

## Resources

*Colonial War Review* is the publication of the Anti-Colonial Action Alliance, a grass-root organization formed to promote the political agenda of marginalized groups fighting the colonial-state apparatus. The third issue has articles on Human rights violations in Canadian prisons, Columbus through Arab eyes and Radio as Resistance. Sub are \$10./4 issues, free to prisoners. Write:

Anti-Colonial Action Alliance  
Box 25, 197 Hunter St. W.  
Peterborough Ont.  
K9H 2L1  
email: thassan@rentu.ca

*International Prison Watch* is based in France. They monitor prison conditions in 32 countries throughout the world. Their politics seem very sound, and how it works is there are observer groups of a dozen or so people in each country, with one of them acting as reporter. They have published a 1993 and a 1994 report based on each country's report, which is generated through questionnaires sent to prisoners. The questionnaires seem very complete and would certainly help the Control Unit Monitoring Project. The English-language correspondent for the main body, International Prison Watch, is

Barbara Vital-Durand  
International Prison Watch  
16 avenue Berthelot - BP 7083  
69301 Lyon Cedex 07, France

The US reporter listed in the 1994 report is

Monika Platek  
Univ. of Illinois at Chicago  
Dept. of Criminal Justice (M/C 141)  
1007 West Harrison St.  
Chicago, IL 60607-7140  
Tel: (312) 996-6844/Fax 312-996-8355

*Voice of the Oppressed* is a 16-page publication of the Lorenzo Stone-Bey Freedom Committee with the very good production being done by the Brew City Anti-Authoritarian Collective. The first issue includes the story of Stone-Bey, a historical piece on the Moors, descriptions of other political prisoners/POWs needing assistance, etc. Subs are \$3.00 by mail, \$1.50 for prisoners, write to:

B.C.A.C.  
P.O. Box 93174  
Milwaukee, WI 53203

*Black Autonomy* is a new publication from Seattle that is "a news-journal of anarchism and Black revolution. It is produced by the recently formed Federation of Black Community Partisans. (F.B.C.P.) The purpose of this voluntary non-hierarchical association is to promote the ideas and concepts of Anarchism/Anti-authoritarianism while building a community based network of autonomous groups who do whatever it takes to create and promote true revolutionary change in the U.S. and the world, particularly amongst African people."

The first issue looks real promising. They need some help to build distribution on the outside. Subs are free to prisoners, \$10.00/4 issues for others. Write to:

*Black Autonomy*  
c/o Greg Jackson  
323 Broadway Ave. E. Box #914  
Seattle, WA 98102

P.C. is an anarchist zine from Toronto that is connected to the Hard Core punk scene. Issue 1.5 has an interview with Lorenzo Kom'boa Ervin (reprinted in the first issue of *Black Autonomy*, a reprint of Kuwasi Balagoon's "Anarchy can't fight alone", and a few short excerpts from letters that Balagoon sent to PNS many years ago, and other interesting stuff. Write:

P.C.  
P.O. Box 664, Stn C  
Toronto, Ont M6J 3S1

The Committee for Prisoner Support in Birmingham (CPSB) and Mafundi's Defense Committee invite community members and political activists throughout the country to participate in a conference entitled *The Imprisonment of America: A Human Catastrophe*. The primary goal is to forge a broad-based coalition of groups and individuals concerned with the devastating impact of the nation's rapidly growing incarceration rate and the corresponding increase in prison construction. For more info call, (205) 322-0219 (Makeda) or (205) 925-9927 (Weyni). Write:

Committee for Prisoner Support in Birmingham  
Box 12152  
Birmingham, AL 35202-2152

*Get It Out* is a literary zine for "penned pens" as they put it. So if you're looking for an outlet for your poetry or prose, write:

Prose and Cons

4200 Park Blvd. Ste 118  
Oakland, CA 94602

*Freedom Press* is a home-based ministry dedicated to righting the wrongs that the system inflicts upon prisoners and their families. Two staff attorneys research a case and develop it with the pleadings taken from this work. The attorneys do not represent the clients in court. They file the pleadings *pro se*, that is, they complete the petitions, send them to the prisoner to file in the court. Write:

*Freedom Press*  
P.O. Box 4458  
Leesburg, VA 22075

*On Indian Land* is the best way to keep up with Native struggles — land, fishing and hunting, prisoner, etc — across the U.S. and Canada. Lots of useful addresses and resources. Subs are free to prisoners, others, \$10/4 issues. Write:

*On Indian Land*  
P.O. Box 2104  
Seattle, WA 98111

*The Blast* is an excellent anarchist newspaper. Issue #4 (Dec/Jan '95) has articles on the U.S. election, the crime bill, Minnesota prisoner struggles, debates within the anarchist movement, etc. Subs (6 issues), \$9./U.S., \$11./Canada. Free to prisoners. Write:

*The Blast*  
P.O. Box 7075  
Minneapolis, MN 55407

*Prison Legal News* is the most important source of information regarding prison civil rights litigation in the U.S. Edited by prisoners in Washington state, it is considered to be better and more useful than "professional" law journals. If you are a jailhouse lawyer, or just want to know more about the law, this is the paper for you. Subs are \$12.00/yr. It is a monthly. Write,

P.L.N.  
Box 1684  
Lake Worth FL 33460

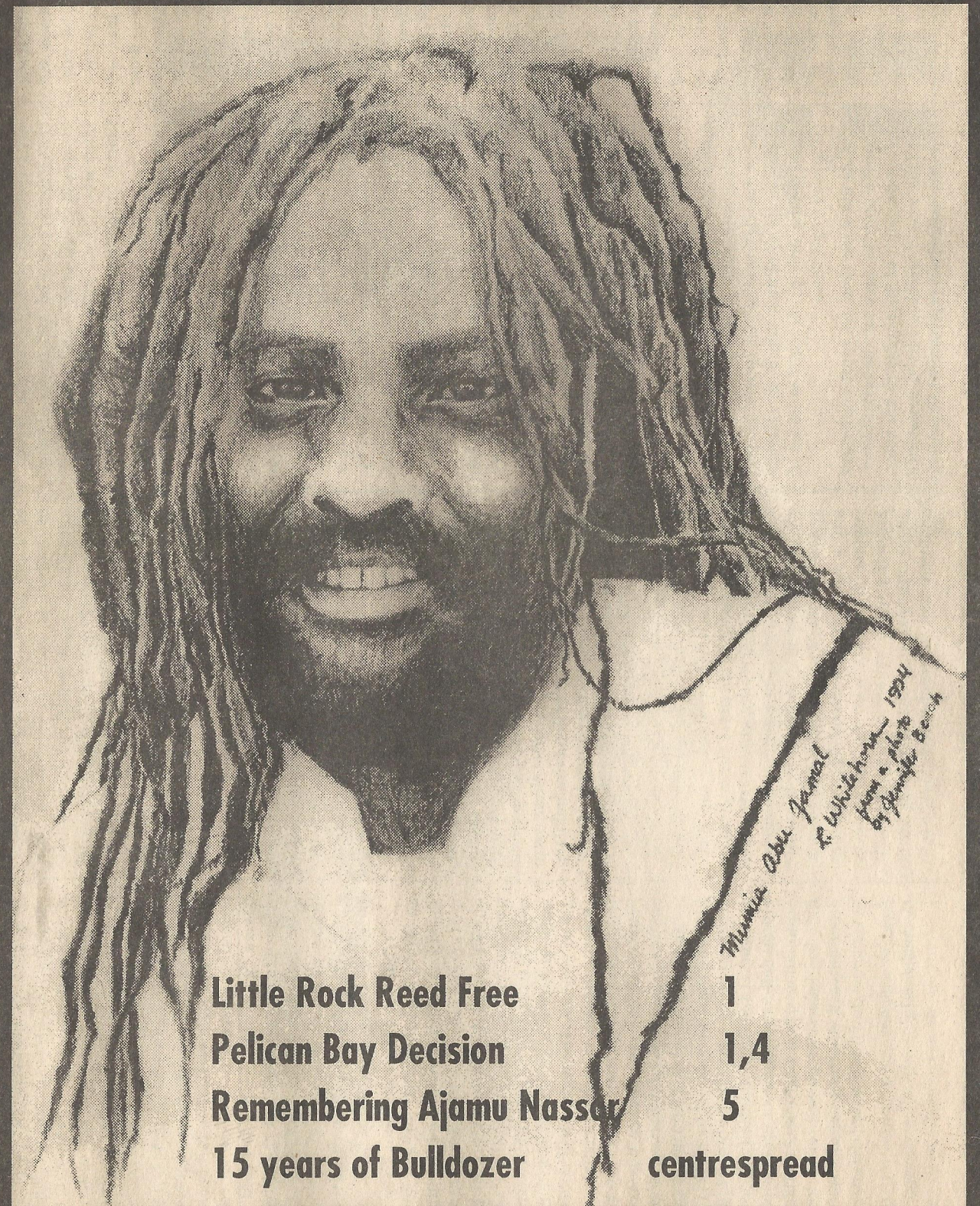
Contact us if you or your group has any resources for prisoners that you would like us to list. There is usually quite a lot of response to these listings, if you can't afford unlimited free distribution for prisoners, consider specifying a limit, i.e. on a regional basis, or for women, etc. Write to

PNS  
Box 5052, Stn A  
Toronto, Ont M5W 1W4

JAN/FEB  
1995  
Number 49

# PRISON NEWS SERVICE

*a bulldozer publication*



Little Rock Reed Free 1  
Pelican Bay Decision 1,4  
Remembering Ajamu Nassar 5  
15 years of Bulldozer centrespread



# Moral victory for prisoners in Pelican Bay civil rights suit

## The Madrid v. Gomez Decision

After one year's deliberation, Federal Judge Thelton Henderson ordered an end to "the pattern of needless and officially sanctioned brutality" at Pelican Bay State Prison (PBSP) in California. In his strongly worded 344-page decision, Henderson ruled that the California Department of Corrections (CDoC) has violated the 8th Amendment of the U.S. Constitution by allowing and, in fact, encouraging guards to use "grossly excessive" force. Also, the judge found that medical and psychiatric care was deliberately and maliciously neglectful, causing loss of life, disability and severe mental harm.

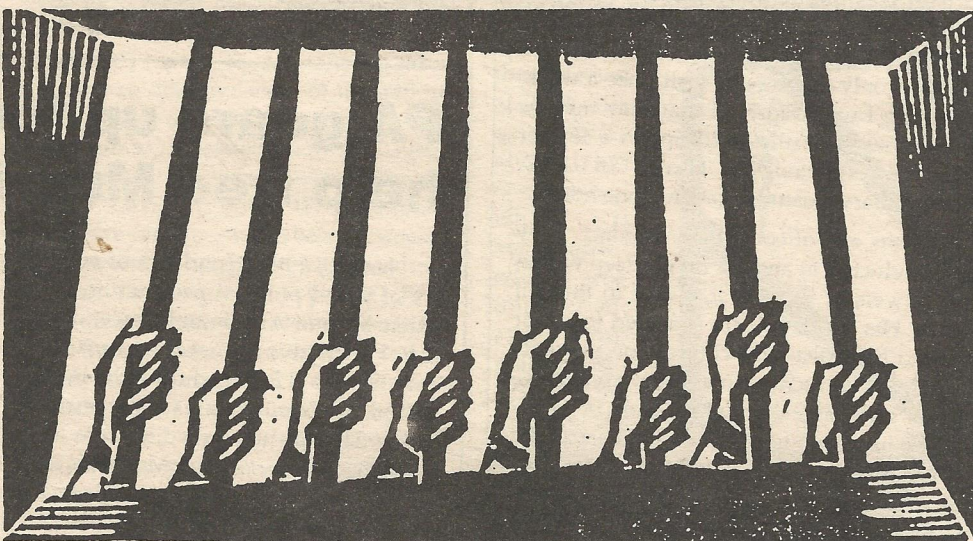
The judge was moved to write, "dry words on paper cannot adequately capture the senseless suffering and sometime wretched misery that defendants' [PBSP staff] unconstitutional practices leave in their wake."

As relief, the court appointed a Special Master who has the task of negotiating with the CDoC and the prisoners' lawyers to develop a plan to solve the cited violations within 120 days.

This landmark decision is a great moral victory for prisoners at Pelican Bay and prisoners nationwide. PBSP and its 1,056-bed Security Housing Unit (SHU) was supposed to be the model high-tech, electronically controlled prison for the world. The judge fell short of closing the windowless, above ground bunker-like SHU, but he demanded significant changes in the policies and practices at Pelican Bay.

The prisoners began this suit in 1990 with their 300 individual legal actions against the prison. It will be prisoners who provide the Judge's Special Master with the information he needs to be the court's eyes and ears in the prison while developing the initial changes required. And it will be jailhouse lawyers, again, who read the massive legal decision and find ways to use the law

to attack the CDoC in areas in which the judge did not effectively rule. Pelican Bay prisoners must be congratulated for their bravery and effectiveness in challenging state torture, while being under its fist. Their legal work and willingness to publicly testify bring retaliation from PBSP staff, while trying to help build a more decent and just society for us all.



The Pelican Bay Information Project (PBIP) is convinced that the only way Judge Henderson could have stopped the human rights violations at PBSP was to close down the SHU. The decision leaves intact the use of long-term solitary confinement; the use of racial discrimination in placing prisoners in the SHU; the use of the notorious Snitch, Parole or Die policy; the use of hearsay evidence in gang labeling; and the use of forced confessions about gang activity. Under UN International Treaties signed by the U.S. and the U.S. Constitution, these

practices and others are illegal and constitute torture. Thus only some aspects of torture were ruled against.

The CDoC is well known as an organization that prides itself on its ability to delay or not implement court orders that intend to bring relief for prisoners. Presently CDoC is in contempt of a ruling concerning changes in psychiatric care for

often for trivial reasons was condemned. Beating of prisoners after restraint in chains, backroom beatings and "criminally reckless" violent behavior by guards was found routine at PBSP, especially in the SHU.

A dozen incidents were cited (as examples) in which severe brutality was used. In each, reports by guards were obviously falsified and accepted by administrative supervisors without comment. And in no incident was the security of the institution threatened in any way. Rather than being used for prison security, the cell extraction by helmeted, shielded, armed guards and the use of outdoor cages and hogtying, are carried out only to inflict pain.

The court comments that he understands that there are less cagings, hogtyings and extractions lately. But PBSP investigations have proven that nothing could be further from the truth. Cell extractions continue 1-2 times per week as before. Twenty-two men were extracted on one day in October, '94 while protesting the harassment of a Chicano prisoner by a particularly racist guard. Caging is used in new ways since the trial closed in January '94, and hogtie chaining and even suitcasing (being carried by chains with ankles attached to wrist behind) is common.

Lethal force is criticized only in that the policy on gun use is poor and not well implemented. With vague guidelines and lacking the authorized non-lethal rubber bullet gun, tower guards happily choose the rifle to mete out their vengeance. The judge fails to mention that California prison guards have shot and killed 27 prisoners in the last five years, while 7 prisoners have been killed by guards in all other 49 states combined.

**continued on page 4**

## Little Rock Reed freed

### New Mexico Judge refuses to extradite him to Ohio

Little Rock Reed, an Indian prison rights activist, was ordered released from the county jail in Taos, New Mexico on January 21, 1995, by a judge who accused Ohio Corrections officials of trying to silence him because of his political activities. New Mexico District Court Judge Peggy Nelson also ruled that Little Rock fled Ohio "under duress and under a reasonable fear for his safety and his life." Reed had been in custody for nearly three months after his arrest in October, 1994, for alleged parole violation in Ohio.

"I feel like breakdancing, but I don't know how," Reed said as he walked out of the jail with a carton full of papers and a plastic bag filled with feathers. Ohio officials "conspired to have me imprisoned for speaking out about civil and criminal violations against prisoners and parolees by prison officials," said Reed, 34. "Peggy Nelson was fair and had courage. I'm surprised. It's the first time I've seen a judge do that."

Assistant District Attorney Jacqueline Medina said she planned to talk to the state

Attorney General's Office about the possibility of filing an appeal.

According to Nelson's 18-page ruling, Reed was jailed in Ohio in 1982 after pleading guilty to two counts of aggravated robbery and theft of drugs. He was given a sentence of seven to 25 years. "While in prison, [Reed] came to know his Native American (Lakota Sioux) heritage and actively engaged in spiritual practices," the judge wrote. "He was a 'writ-writer' or jailhouse lawyer and

prison activist, speaking and writing on abuses within the prison system, particularly as those abuses infringed upon Native American spiritual practices."

During his incarceration at Lucasville (Ohio) maximum security prison, Reed filed a lawsuit on behalf of prisoners seeking to stop policies at the facility they alleged pitted racial groups against each other and caused violence, the judge wrote.

Reed was paroled May 5, 1992, for a year. He continued to work for prisoners' rights, even after his parole officer ordered him to stop speaking publicly about prison

### Excerpt from Judge Nelson's decision

Although a redress of constitutional violations which occurred in Ohio must be sought in Ohio, this Court can look at the totality of circumstances in determining whether or not the request for extradition withstands scrutiny. [Reed] has shown improper motive [of Ohio Corrections officials] beyond a reasonable doubt, and upon uncontroverted evidence...

"Upon our constitution framework, the 'great constitutional privilege' of habeas corpus ... has historically provided 'a prompt and efficacious remedy for whatever society deems to be intolerable restraints. Its root principle is that in a civilized society, government must always be accountable to the judiciary for a man's imprisonment: if the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release.' *Fay v. Noia*, 372 U.S. 391, 401-402... (*Wingo v. Wedding*, 418 U.S. 461 (1974)).

[Reed's] continued confinement does not conform to fundamental requirements of law.

conditions or "suffer the consequences of parole revocation," Nelson wrote.

Reed moved to Taos about six weeks before completing his parole requirements after being told by a friend that he "was being set up ... for a return to Lucasville." Nelson also said "the motives of Ohio officials in seeking the extradition of [Reed] within six weeks of his completion of his parole, [are] premised on the desire to silence [Reed], in

### Conclusions of law

- \* The [extradition] documents, on their face, are not in order.
- \* [Reed] is not a fugitive.
- \* The prison and parole authorities of Ohio have pursued the extradition of [Reed] for improper and unconstitutional motives.
- \* [The] request for rendition fails to show that [Reed] committed a crime in the demanding state.
- \* [Reed] has a genuine and substantiated fear that, if returned to Ohio, he will suffer great bodily injury or harm.
- \* [Reed] has met his burden of proof beyond a reasonable doubt to overcome the presumptions which follow the issuance of a Governor's Warrant.
- \* [Reed] should be released and habeas corpus granted.

It is therefore ordered:

1. That habeas corpus be, and hereby is, granted.
2. That [Reed] should be released immediately from the Taos Detention Center.

violation of his constitutional rights."

Reed's attorney, John Paternoster, called the decision "a huge success for civil liberties, individual rights, and it should have far-reaching effects. It basically exalts the rights of prisoners to challenge the government on confinement issues."

(Based on a story by Nancy Plevin, *The Santa Fe New Mexican*.)



# Action Alert - Mumia Abu-Jamal Moved to SCI-Greene Supermax

I visited Mumia Abu-Jamal at Pennsylvania's new SCI-Greene Supermax yesterday, Jan. 18, 1995. He was moved here from SCI-Huntingdon on Jan. 13. About 70 of this state's 185 death row prisoners have been transferred to Greene as of this writing. Most were moved in groups of 14-20. Mumia was one of only two prisoners transferred from Huntingdon on Friday; special treatment for special people! Jailhouse lawyers are also among those being targeted for this supernal prison.

## Basic features:

From 22/2 to 23/1. One hour a day, 4-5 days a week, in an outdoor exercise cage. At Huntingdon he got two hours. Shower twice a week. Law library for two hours once or twice a week. (They have 2 typewriters in the law library.) The remaining time is silent in the cell.

Utter isolation, from Other Prisoners as well as from outside is the goal. The cells are arranged in such a configuration that it is much more difficult to see across the block. It is possible to hear prisoners directly above or below (there are 2 tiers) or directly adjacent, through the air vent. The food slot is unlocked 4-5 hours a day. The door is solid except for a thin window. Silence prevails, (acutely aware that every sound is monitored.)

All doors are electronically controlled, with guards at control-monitoring stations.

Not everything is painted white as in some sensory deprivation units, but the overall atmosphere is one of complete sterility and lifelessness, clearly designed to break the spirit and destroy one's sense of identity.

SCI-Greene is located in Waynesburg, PA, an area well known for its racism and heavy Klan infestation. Although over 60% of the population on PA's death row is from Philadelphia and surrounding counties, this prison was deliberately located a 9-hour drive from the state's largest city. Prisoners on A.C. status (including death row) are allowed only a two hour visit once a week, although I was informed that they may be able to successfully petition for a longer visit on occasion. Those in D.C. (Disciplinary Custody) get only one hour.

Visits are, of course, non-contact. They are conducted in an area rather deep within the bowels of this beast, closer to the cell block. His handcuffs are shackled to a belt around his waist. This contraption prevents him from scratching his nose, giving the power sign, talking with his hands, or pressing his hands up to the glass, which was the closest thing to physical contact he got with his visitors at Huntingdon. The stool provided for him during visits is bolted to the floor, with a ring on it apparently enabling the guards to shackle a prisoner to the stool.

TV is virtually non-existent because prisoners on Mumia's side of the cell block

can get only one station, and the reception is poor. There is no cable. There is no VCR. Prisoners have TV and radio only if they can afford to buy one.

This place is a real bad trip. Please help us expose it right up front for exactly what it is. Please feel free to write or call me with any questions or comments.

Jamila Levi  
Western PA Com to Free Mumia Abu-Jamal  
P.O. Box 10174

Pittsburgh, PA 15232-0174  
phone/fax 412-361-2989)

Please, write Mumia, and use some colored stationery, pictures or whatever to help brighten up that place (not that he's allowed to have anything on his wall). Mumia's standing strong, like he always does. Write:

Mumia Abu-Jamal, #AM-9335,  
1040 E. Roy Furman Highway  
Waynesburg, PA 15370-8090.

Prison Administration;  
James Price, SCI-Greene  
1030 E. Roy Furman Highway  
Waynesburg, PA 15370-2902  
Phone 412-852-2902, Fax 412-852-2909.

## PA gears up for executions - help free Mumia Abu-Jamal

Jan. 20, 1995. Hundreds of supporters of noted political prisoner and journalist Mumia Abu-Jamal descended on the Pennsylvania state capitol on Tuesday, Jan. 17, 1995 during the inauguration of Republican Governor Tom Ridge. The spirited crowd let Tom Ridge know from day one that Mumia is innocent and we demand a new, fair trial to expose this state's injustice.

Pennsylvania has the largest death row of any state yet to resume executions. Governor Tom Ridge has vowed to

make signing death warrants one of his priorities. This is a critical time for everyone on death row and for all opposed to capital punishment.

We urge you to call or fax Governor Tom Ridge now to say, free Mumia Abu-Jamal and abolish the death penalty! His phone number is 717-787-2500. His fax is 717-772-3155.

For more information about his case call International Concerned Family and Friends of Mumia Abu-Jamal at 215-476-8812.

## Continuing the struggle by other means

Esteemed family members, friends, and supporters, in March of 1995, I am appearing before the United States Parole Board

Alberto and myself have been imprisoned for eleven years and are now eligible to be released on parole. Although we have exemplary prison records, educational and vocational training, involvement in prison organizations and committees as well as tremendous family and community ties, the history of the U.S. Parole Board has never been favorable towards the freedom of Puerto Rican political activists. This is the reason we need your support to pressure the U.S. parole Commission for our release.

As part of our decision and in order to comply with the requirements of the U.S. Parole Commission we need your support and assistance. Personal letters are also needed from friends and supporters or just your signature on the attached sample letter in order to show that we are not a danger to society, we are not criminals and that we have a community that will support us. In addition, letters are needed from prominent individuals such as religious persons, Congress persons, State legislators, professors, etc. These letters can have an additional impact on the U.S. Parole Commission. Letters can focus on the different aspects of our lives for those individuals who knew us as students at Tilden Tech, Kelly High School and the University of Illinois as well as community and political activists.

In conclusion, the Committee of Family and Friends will invite you to social/cultural events and or discussions to continue the campaign for our freedom. We thank you for your support and want you to know that it could make a difference in our release.

Please send a copy of your letter to :

Familia A. Cortes  
P.O. Box 08397  
Chicago, IL 60608-0397

Sincerely,  
Edwin Cortes

After a rather long, cumbersome and tedious struggle, I have decided to join the ranks of Puerto Rican prisoners of War, Haydee Beltran, Carlos Alberto Torres, Dylcia Pagan, and Alberto Rodriguez all of who have appeared or will appear before a U.S. Parole Board. I support my companero Alberto Rodriguez's rationale for appearing before the Parole Board as articulated in his declaration entitled *When The Struggle For Parole Becomes An Act Of Protest*.

I approach the Parole Board as part of a multi-prong political/legal strategy to expose the contradictory and politically biased parole process as it relates to political activists, as well as to organize, educate and mobilize our community toward the

excarceration of political prisoners and POWs. I will reassert my right as a political subject to struggle for human rights and fundamental freedoms of which independence for Puerto Rico is an integral part. I do not consider my decision as contradictory to my posture as a POW, nor a violation of my principles and commitment. It is not a sign of weakness, nor collaboration.

While in prison during this last decade, I have encountered hundreds of our youth who have never heard of the FALN, its actions, or our POW status. It is for our youth and future generations that I feel obligated to become a political protagonist in the struggle for our excarceration and national freedom. The following review will

help illustrate the historical development of the POW position. In 1978, after his capture in Queens, New York, Guillermo Morales became the first Puerto Rican to declare himself a POW thereby challenging U.S. jurisdiction to try him as an armed combatant. In 1979, Angel Rodriguez Cristobal was arrested during a confrontation with the U.S. military in Vieques, Puerto Rico. At his trial, Angel asserted his right to be tried as a Prisoner of War. Upon their capture in 1980, Carlos Alberto Torres, Dylcia Pagan, Haydee Beltran, Carmen Valentin, Elizam Escobar, Lucy Rodriguez, Luis Rosa, Alicia Rodriguez, Adolfo Matos and Ricardo Jimenez all declared themselves POWs, refused to recognize U.S. authority to try them, demanded to be tried by an international court, and practiced total voluntary absentia from all legal proceedings before U.S. courts. However, in 1981, with the capture of Oscar Lopez Rivera, Oscar departs from the position of total voluntary absentia by attending his trial, making an opening and closing statement to the jury, and cross examining the traitor Alfredo Mendez. He utilized the court as a political forum to articulate the basis of the POW stance, to expose U.S. colonial domination and practices in Puerto Rico, and to reassert his right under international law to be tried as a POW.

Alejandrina Torres, Alberto Rodriguez, and myself were taken captive in 1983 in Chicago, Illinois. We declared ourselves POWs, but expanded upon Oscar's use of the courts as a political forum. During the pretrial phase of our legal case, we submitted a motion to expose and end our 10 1/2 months of punitive and political internment in solitary confinement, and another motion to suppress the illegal use of video surveillance, which was granted, but overturned on appeal. We participated in evidentiary hearings for the purpose of exposing the FBI's smear campaign against the Puerto Rican Cultural Center. And we filed an Omnibus Motion based on international laws which guarantee our rights to be tried as anti-colonial freedom fighters.

During our trial we were present in court, made opening and closing statements to the jury, and cross examined FBI agents. Our use of the U.S. courts was not in violation of the POW position nor a recognition of U.S. authority over ourselves or our

homeland. We challenged the unlawful and colonial authority of the U.S. government over Puerto Rico and utilized maximum political/legal flexibility to fight the government's attempt to criminalize our actions, POW status and our movement for national liberation. Our posture was best articulated by Commander Don Juan A. Corretjer in his expose, *Sedition: The Impossible Crime*.

My decision to appear before the Parole Board is also based, in part, on my discussions with the other POWs and sectors of the independence movement that support us, concerning other forms of struggle that should be utilized in the campaign for our excarceration. The companera, Haydee Beltran, initiated this discussion in 1990 when she decided to appear before the Parole Board. In July of 1991, Carlos Alberto Torres decided to appear before the Parole Board, and Dylcia went to the parole board in September 1994. While neither Haydee, nor Carlos, nor Dylcia received parole, the work they did around their parole hearings revealed the potential for generating renewed interest in working for our release.

It was before the courts that the POW posture was developed, became more vibrant to our communities, and allowed us to be political protagonists in the struggle toward our excarceration. I intend to pursue the same political/legal approach which I utilized during my trial as well as embrace all political/legal remedies to which I have access under international law and U.S. law such as Parole, the Courts, Presidential Amnesty/Pardon/Commutation, United Nations, Organization of American States, the World Court, etc. in order to become an active political subject in the campaign to excarcerate all political prisoners and POWs.

As the United States government continues to call for the release of political prisoners in other parts of the world, the Puerto Rican Independence Movement must insert itself onto the world agenda in order to expose the continued colonial domination of our country as well as the imprisonment of its combatants. The parole process allows me to be part of the ongoing struggle in Puerto Rico to develop other forms of social, economic, and political projects that will once again galvanize the Puerto Rican people toward national independence and social justice.



# Kingston Prison For Women Update

Not all the reports being published about the Kingston Prison For Women (P4W) are true. But some believe that it is not the job of journalists to report the truth. Others make an effort to raise awareness and hopefully the conscience of the general public. What is going on in our prisons needs to be told.

Recent mainstream press and radio have helped reveal some of what is going on in P4W with editorials and call-in shows. There has been much concern expressed because of what is coming to light and that things have remained hidden for so long. This local media attention came only after the struggle by prisoners to access the court's legal representation. Not an easy task at best!

All of the segregated women of the original six involved in the April '94 incident have now been released from the "hole". And this has been reported by the press. What they have failed to mention is that instead of being released to "general population", the women are again confined under the special restrictive conditions of B Range. This is an area of P4W that has been the centre of much controversy in the past year or so, and an area that upon analysis is as much segregation if not worse than the "hole". In fact, the conditions of B Range are not unlike a Special Handling Unit (SHU).

There are many definitions of what a SHU is. As long as these units isolate and break down the human spirit and psyche they are all the same. For the women confined on B Range, it means that they spend up to 23 hours a day in their cells, are nei-

ther fed nor exercised with the rest of the prison's population. They have no access to rehabilitative programs, nor can they attend special events such as Family Day. There are also limited opportunities for employment. It is obvious that these women are not being treated the same as the rest of the prison population, which brings into question the practices of the prison administration.

The most recent press concerning P4W comes in the wake of a Correctional Service Canada (CSC) report. To date, anyone who would give an objective view of this report has been unable to read it. Therefore, it has been difficult to understand how CSC justifies its claim that the women were "running the prison" which is how P4W legitimizes the restrictive measures it has been maintaining. One wonders why CSC would admit that it had lost control of its prison? And why did these women who were supposedly running the place continue to reach out to the media and the courts for a remedy from the conditions they were confined under? Claims such as this report makes are what keeps the public misinformed about prisons, and the people in them. Neither does this kind of misinformation allow for the public to realize the abusive nature of prison.

Another thing that the media steers clear of is that among the women of B Range are those who were sentenced to prison for protecting themselves against their abusive partners. Much of the women's interaction with their keepers and the authoritarian nature of prisons re-stimulate memories and emotions of abuse from their

past. Instead of the healing environment that these women need, they are suffering the brutality of revenge, which negates their cases of self-defense. Instead, they are serving excessively long sentences, some of them under cruel and unusual conditions.

Another example of what is just not right and good involves a prisoner at P4W who submitted to urinalysis that acquitted her of using illegal substances. Yet she remained in segregation for several months prior to the urinalysis being sent to the lab, and then several more even after the test determined her innocence. Not only was she punished prior to her being proven guilty, but she continued to be punished for nothing. This is the sort of thing that no one can deny brings our justice system to ill repute.

Many of the practices at P4W raise questions about what is excessive? what is acceptable? what is arbitrary? cruel? and inhumane? and whether the prisons are performing in the best interest of society and justice? As concerned people, do we get copies of the report and compare them to the accounts



## A weapon that knows no boundaries

In the last issue of *PNS* we included an article titled "A viable revolutionary strategy." It discussed a nationwide strategy to bring down the American Correctional Association (ACA) through the collective efforts of jailhouse lawyers and prisoners' rights activists. (If you haven't already seen the article, write to *PNS* for a copy.) So far the responses we've received have been much greater than expected, with men and women (and one state-wide jailhouse lawyers' association) from nearly 20 states firmly committing themselves to the project. Each day as I open the letters from these dedicated brothers and sisters, I get a sense that this may very well be the making of the strongest political force prisoncrats have ever had to contend with in this country, and I'm reminded of the statement Daniel Manville wrote in the front of his *Prisoners' Self-Help Litigation Manual*, which I picked up over ten years ago and was changed forever because of it. This was Manville's statement:

"One of the reasons you are confined under such atrocious conditions is the failure of all of you (Hispanics, blacks, Native Americans, whites, etc.) to set aside your petty jealousies and dislikes and your claims to machismo in order to form a united concrete legal organization which will have a say concerning the conditions under which you are incarcerated. Every person I knew while incarcerated hated those confining them. But, almost every prisoner of any ethnic group or gang hated each other even more. This prevented prisoners from organizing into a single united political force.

"Until you can set aside the societal conditioning that keeps you from working together toward common ends, you

can expect to remain confined under brutal and dehumanizing conditions."

In his dedication, Manville wrote: "To ... those incarcerated individuals who have refused to do time, requiring time to do them. I deliver into your hands a weapon that knows no boundaries except [those] which you impose upon it."

We need not stop with the ACA although that is where we're starting. If you are an experienced jailhouse lawyer, or if you have the literacy and skills to conduct investigations and prepare reports, and if you are committed to using your time to bring revolutionary change to the prisons across the United States — get in touch, because *we're for real*. Read "A Viable Revolutionary Strategy" (*PNS* #48, Nov.-Dec., 1994) and then if you're willing to commit yourself, join us by sending me a self-addressed stamped envelope. ∞

*In solidarity,*

Little Rock Reed  
c/o Center for Advocacy of Human Rights  
P.O.B. 880  
Ranchos de Taos, NM 87557-0880



## Judge rules for D.C. women

Women in various facilities operated by the District of Columbia filed a class action suit on behalf of all women prisoners in D.C., claiming that they were systematically denied privileges and opportunities available to men in equivalent situations and that the institutionalized patriarchy within the prison system made for an atmosphere of harassment, abuse, rape and degradation that constituted a violation of human and constitutional rights.

On December 13, 1994, a Senior District Court judge ruled in favor of the class action suit. She "gave the Department of Corrections six months to develop a harassment policy, set up a harassment hotline, hire a nurse-midwife and a physician's assistant trained in gynecology, open a prenatal clinic, stop shackling prisoners in labor, educate women prisoners on a par with men and repair women's facilities, including the heating system.

This means that the DOC is now legally required to treat women prisoners on par with men. Lawyers will continue to monitor the situation. However, we can hardly count this as a major victory — the treatment of male prisoners is none too commendable either; the D.C. Jail and several other facilities are already under a court order because of poor conditions for men. ∞

For more info, write:

Nat'l Women's Law Center  
1616 P St. NW  
Washington, DC 20036  
info from *Claustrophobia*

Prison News Service is published bimonthly, except for July/August. It is edited by the Bulldozer collective and published by PSC Publishers. All letters, articles, artwork, subscription requests, etc. should be sent to:

Prison News Service  
P.O. Box 5052, Stn A  
Toronto, Ont  
Canada M5W 1W4

Subscriptions:  
Non-prisoners — \$10.00/6 issues.  
More if you can, less if you can't  
Institutions \$25.00/Yr.

All American subscriptions payable in American dollars. Make checks payable to PSC Publishers or Bulldozer.

Issue #49  
January-February 1995  
Date of Issue — December 1994  
U.S. Second Class postage paid at  
Lewiston, N.Y. 14092 under UPS  
#011172

Canadian Publication Mail Registration  
Number 8843

U.S. Postmaster: address changes to:  
PSC Publishers  
P.O. Box 1254  
Lewiston, NY 14092-8254

Canada Post, address changes to:  
Prison News Service  
P.O. Box 5052, Stn A  
Toronto, Ont M5W 1W4

All personal address changes should be sent to the Toronto address.  
U.S. Office of publication  
Lewiston NY 14092

Printed in Canada  
Indexed by Alternative Press Index  
Deadline for next issue is  
March 10/1995  
E-mail: [sage@pns@noc.tor.hookup.net](mailto:sage@pns@noc.tor.hookup.net)  
This issue is going to press on  
February 3, 1995.



## Pelican Bay from page 1

### Medical and psychiatric care

The Court agreed with the prisoners' medical expert who said, "the entire system is grossly inadequate and unsatisfactory in meeting the health care needs of the inmate population. It is deplorably inadequate." Likewise a deliberate and shocking disregard for serious mental health needs was found. Staffing was, and remains, inadequate. Staff training is non-existent. There is no emergency care training or suicide prevention program, and no crisis drills ever done. Supervision is seriously deficient. Records are disorganized, incomplete and even contradictory.

The Medical Technical Assistants (MTA) who have one year of training as Licensed Vocational Nurses after high-school, perform complex tasks of diagnosis and treatment far outside of their skill level. MTAs have been refilling prescriptions, writing chart orders and evaluating prison-

er-patients for their urgent needs. Such use of MTAs were found to needlessly and severely harm prisoners. One case cited was of a man who died of a brain hemorrhage six hours after being told by the MTA "he was faking it."

Inadequate screening, poor followup and the lack of any peer review or quality assurance characterized medical and psychiatric care. The medical and psych chart notes reveal a flippant attitude about the prisoners' pain and suffering. The court quoted the prisoners' psychiatric expert who found an "almost obsessive preoccupation by staff with the possibility that an inmate might be manipulating."

As horrible as medical services are, the psychiatric services are worse. The judge says that CDoC "created a prison which would necessarily and inevitably result in an extensive demand for mental health services, yet they scarcely bothered to furnish mental health services at all." CDoC transferred hundreds of psychiatric patients with histories of alleged violent or assaultive

behavior to the Pelican Bay SHU, yet didn't hire a regular staff psychiatrist for 2&1/2 years. No procedures have been developed for input of mental health staff on housing decisions, for involuntarily medicating patients or even for suicide prevention.

The court's decision clearly outlines the deficiencies in care and attributes them to deliberately poor planning, substandard training and review, and inadequate and neglectful program development. Yet, the court fails to see that med-psych care acts like a weakling who has fallen to its knees because of structural issues that will not change while the SHU is open. The ordinary daily custody routines and the physical environment itself interfere with the delivery of care and prejudice even good people into the type of attitude and behavior the court condemns.

### Conditions in the SHU

The judge affirmed that the SHU provides a bare, bleak environment of extreme social isolation and reduced stimulation which "will likely inflict some degree of psychological trauma upon most inmates confined there for more than brief periods." But he states, "we are not persuaded...that the risk of developing an injury to mental health of sufficiently serious magnitude due to current conditions in the SHU is high enough for the SHU population as a whole."

The court does demand that certain groups of prisoners be screened out and excluded from the SHU because they will be harmed too severely resulting in a violation of the 8th Amendment of the Constitution. Such prisoners are those who are mentally ill or prone to becoming mentally ill, including those with a prior psychiatric problem, borderline personality disorders, brain damage, mental retardation, chronic depression or impulsive personalities. The judge can only express disdain for CDoC which ignored the exact same recommendation by its own Mental Health Services Branch before PBSP opened. And he warns CDoC that merely sedating mentally ill inmates into a stupor, fails to pass constitutional muster. But Judge Henderson does not address the

issue that CDoC's entire mental health system is unconstitutional and that CDoC stands in contempt of court over its failure to do anything to change.

The judge backs away from significant human rights issues when he asserts that "... they [CDoC] may emphasize idleness, deterrence, and deprivation over rehabilitation. This is not a matter for judicial review or concern unless the evidence demonstrates that conditions are so extreme as to violate basic concepts of humanity and deprive inmates of a minimal level of life's basic needs." He amplifies that there is "nothing improper about lengthy or indefinite segregation for discipline or security reasons." Judge Henderson fails to recognize that our "basic concepts of humanity" are supposed to be informed by the *UN International Covenant on Civil and Political Rights* and the *UN Convention against Torture and Racism* recently implemented by the US. All of these documents deplore the very actions the judge allows.

### Gang affiliates

Almost 50% of the men in the SHU are kept there endlessly on charges that they are members or affiliates of prison gangs. CDoC defines gangs as "any...formal or informal...group of three or more persons which has a common name or...symbol whose members...have engaged...in two or more activities...or unlawful acts or acts of misconduct classified as serious."

Prisoners get gang labeled based on hearsay evidence in what can only be called a kangaroo court. The Institutional Gang Investigator, the Special Services Unit and the Institutional Classification Committee, all participate in this ritual of creating facts from lies and trivia. Some of the common pieces of evidence used are names in an address book, tattoos, pictures of homeboys taken on the prison yard and lies and half-truths extracted from coerced prisoners.

As many as 600 prisoners are in the SHU based on such evidence which really means that they come from some barrio or ghetto or a particular set. The fact that 87% of the SHU prisoners are brown or black speaks volumes about the racism inherent in CDoC's gang labeling process.

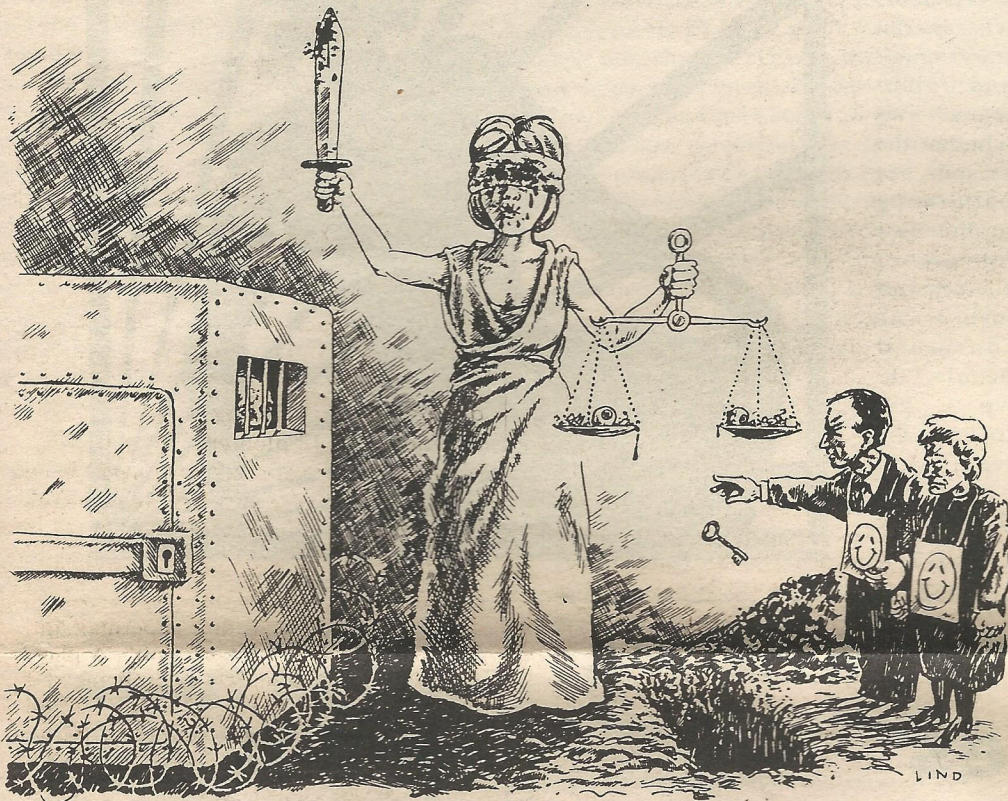
Once labeled a prisoner faces the Snitch, Parole or Die policy which states that to exit the SHU, he must either confess to crimes and name names, finish his sentence and parole, or die. Subjecting a prisoner to prolonged solitary confinement in order to extract information from him is a violation of his human rights, outright torture and is prohibited even under the Geneva Accords written for wartime combatants. Moreover, information obtained under such duress is notoriously unreliable. The court let stand this policy of torture citing security of the institution as more important than human rights, thereby adding another log on the fire of society's hysteria about gangs.

While moving the law governing prisons forward, the *Madrid* decision does not bring justice to Pelican Bay State Prison. Absent is the general social context of poverty, unemployment and alienation. And absent is any mention of the prison conditions of overcrowding, idleness and lack of programs for education or rehabilitation in which all of the seemingly sacred security concerns arise. It is up to the citizens of California to demand and organize for that which the law cannot speak, Justice, equality and opportunity are the goals and the closing of the SHU is only one small step forward. ∞

Cory Weinstein

For more information about the campaign to close down Pelican Bay, please write:

Pelican Bay Information Project  
2489 Mission St  
San Francisco, CA 94110



## The CDoC — getting away with crime

Presiding Judge Thelton E. Henderson's epic decision (345 pages long) in *Madrid v. Gomez* is a scathing indictment not merely of the California Department of Corrections (CDoC), but more importantly of the entire statewide bureaucracy that supports the prison/industrial complex that dominates California's political leadership and economy. That we spend more on prisons, police services and prosecutions than on education is shameful; that we spend it to accommodate the atrocities described in Henderson's decision is unspeakable.

It is to be remembered that the *Madrid* case itself arose as a result of the consolidation of literally hundreds of abuse suits filed by victims/prisoners in Pelican Bay. These Jailhouse lawyers painted such a compelling, consistent picture of tortures and abuses that the entire federal bench of the Northern District Court of California demanded that the cases be heard together and resolved. The repercussions that befell those who had the courage to give a name to the violence at Pelican Bay are only alluded to in the court's decision.

Henderson writes in a dry, cryptic style, understating and underemphasizing the horrors he is describing. It is as if a surgeon were to write an unemotional, factual description about the tortures and subsequent cremations that occurred at Auschwitz, or Buchenwald. The reader plods through the pages of the "story" without having to hear the screams, touch the scald-

ing water, feel the tears, or turn his/her head away from the violence perpetrated by guards entrusted with the job of "controlling" those locked up in their care. The case describes scenes out of a Jack London novel: caged animals beaten and degraded by the depraved and perverse beasts who control their lives. As the decision points out, this is the rule, not the exception — and the abuses form a pattern, not isolated incidents.

What is most chilling is that these tortures are done with the consent and approval of those in charge. As the court states, the prison administration exacerbates the problems, rather than ameliorates them. While the court was not prepared to find that confinement in the SHU (Security Housing Unit) would ineluctably result in the mental breakdown of all of its inhabitants, it did acknowledge that such "appeared" to be the case, and that further analysis was necessary to document that concern.

What then does it mean when the CDoC, the defendant in the case, reads the decision and proclaims it a victory for themselves? Is this merely cynical posturing, like Kissinger's announcement of "victory" in Vietnam at the moment we fled that country? Is it a play to the media, which cares only about soundbites, and nothing for substance? Perhaps the Department of Corrections has used our taxes to hire public relations firms that can evaluate how long the public will remain aware of or interested

in the implications of the decision. Perhaps those experts have suggested that the CDoC stonewall the case, delay it, drag it along, believing that no one will think about its real meaning for any length of time.

For the real meaning of the decision lies in a terrifying reality. Those who perpetrate the atrocities described so objectively in the decision remain unpunished. Those who hire and fire them, and give the orders that result in such abuse remain unscathed, and in power. No jobs are on the line, no prosecutions are contemplated against the beasts and their masters, and no immediate or serious change is contemplated concerning the manner in which prisoners are really treated in Pelican Bay or elsewhere throughout our state. The bureaucracy is so confident in its immunity from retaliation and from the slightest possibility that it will have to reap the consequences of what it has sown, that it boldly declares the decision a victory.

It is this arrogance and contempt for decency that has brought down governments and administrations throughout history. Such contempt for justice can result only in outrage and fury from those who witness it. That we imprison more than we educate is foolish; that we abuse those we imprison is cruel; that we allow the abusers to go unpunished and unchecked is suicidal. It is this image of royalty, untouchable, lawless and unaccountable, that demands response — more than the court is willing or able to render. ∞

Prison Law Project  
National Lawyers Guild  
558 Capp St.  
San Francisco, CA 94110



# Justice is a double-edged sword

*Justice is a double edge sword. — G. Jackson*

On December 8th 1994 a beautiful Afrikan brotha and comrade was murdered with 2300 volts of electricity by de kkkolonial state of Indiana. Ajamu Nassor was pronounced dead at approximately 12:13 a.m. on December 8th, leaving behind a multitude of family, friends and comrades.

For many of Us who knew this brotha it represented a very sad moment in Our struggle. Seeing this brotha family on de news and witnessing their grief and helplessness in de face of de raw power of de state, de ultimate kkkolonial insult of electrocuting one of Our people. Witnessing de demoralization and frustration of brothas who were angry that this Afrikan political prisoner of war could not be saved due to de overall weakness and focus of de liberation movement on de North Amerikan continent.

## Who was Ajamu Nassor

Ajamu Nassor was a 43 year old New Afrikan convicted in Indianapolis of assisting in de killing of a kkkop during a pre-dawn raid done under de guise of serving a arrest warrant for expropriation and de killing of a brinks guard. Ajamu and another New Afrikan was ultimately railroaded and sentenced to death. Ajamu was a politically active brotha both inside and outside of prison. He was de first prisoner to be murdered officially in de state of Indiana over legal objections since de reinstatement of de genocide penalty.

Leading up to de day that Ajamu was genocided by de state he was tortured and harassed repeatedly. In October 1994 approximately 5 prisoners tried to escape in de wee hours of de morning. Cutting themselves out of their assigned cages and making it out de building into a recreation yard where preparations were made to scale a 40 ft. wall only to be detected by a guard tower. A home made zip gun was used in an attempt to neutralize de guard in de tower. De tower fired shots and sounded the alarms. All prisoners were subsequently captured and de whole death row except for Ajamu were transferred to de M.C.C. at Westville, allegedly until de damage to de unit and security could be reinforced. Ajamu was de only death row prisoner left on de whole unit. Where in his own words he was being subjected to a "chemical execution" due to work crews working around de clock welding and banging on steel etc. He was denied all recreation and fresh air, only allowed to take a shower when he had a visit and repeatedly moved from cell to cell in an attempt to further destabilize, demoralize and frustrate him. This is only weeks before he was scheduled to be murdered. People, can you imagine this? Imagine de pressure? In Ajamu own words, he was consistently being attacked by an army of insects and rodents who were now out in force searching for food on a empty unit. So even in preparing to genocide this brotha de state continued to torture this brotha.

## De Final Moments

On December 5th de prison was placed on total lock down status and extra security measures taken. In de early morning hours of December 8th de state carried out its barbaric act and Ajamu was pronounced deceased.

On December 8th We were allowed a hot meal that afternoon and officially returned back to so call normal operations on December 9th.

One of de reasons we were locked down for so long and de lock down was so extensive was because of Ajamu's popularity and grassroots ties inside de kkkamp. Because this brotha was well liked and loved by many people de state felt de need to put de clamp down early which heretofore was unprecedented.

During de actual process de state had its riot squad on stand-by. Outside de prison amongst anti-genocide demonstrators and family members de state admitted it had undercover plain clothes agents circulating amongst de crowd, while at de same time they had pigs in and out of uniforms engaging in acts of provocation.

This response (lockdown) will be the norm for de state from now on. Especially since a couple of other political brothas on death row are entering their last stages of appeal.

In de evening of December 13th, a Black kkkop was stabbed twice and later died as a result of his wounds. De kkkamp was placed



on total lock down while de reality dat justice is a double edge sword settled into de minds of other kkkops and state officials. Inside sources stated dat immediately afterwards 17 soldiers quit, resigned.

## A Qualitative Leap

Many of Us seem to be looking at de murder of Ajamu primarily from an emotional position as opposed to a political one. Granted it was an emotional time and situation, and i personally will forever remain emotionally wounded, but politics must be kept in command, and We have to analyze de situation and not allow this murder to set Us back but instead move Us forward. We have to put de question to Us all: How can We build a strong anti-genocide movement? How can we link such a movement with de outside movement around this particular issue? How can We wrestle control and focus of de movement away from bourgeois elements and struggle to root it in de grassroots? How can We on de inside put de state on de defensive before and after they try and carry out a murder, a act of genocide, especially of one of Our comrades? Right now We have several rades on death row who actually qualify as political prisoners of war, whose cases are outright political. We have to come up with a strategy that's capable of 1) building a structure that is capable of developing a movement on de inside, 2) developing a strong foundation that can sustain de momentum of a movement, and 3) creating de means to propagate Our ideas to de inside and outside in hopes of spreading such a strategy on de inside.

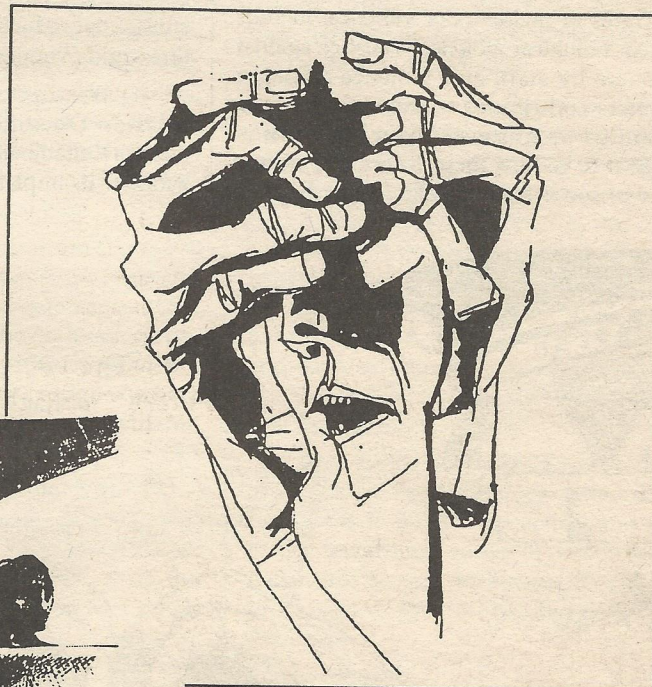
i don't want this to be just anotha murder of a comrade and We have a burst of energy and anger and then it's over and we go back to being cattle following de rest of de herd. Let's not keep reacting to de attacks; let's begin to act first.

We do not celebrate death, but de reality is de people need victories sometimes, de people need their morale boosted, and by de state enjoying its euphoric high after murdering a political prisoner, de wiping of that guard was a morale booster and a nice blow to that euphoria. Now they ask de question of themselves — are we going to have to worry about this kind of response every time we murder a prisoner? That question should

be asked by every warden in this empire. That should be a constant fear!

When de commander of de Black Panther Militia — Indianapolis son was arrested and charged with murder and he stated that "if (his) son was executed there will be many other executions," particularly of kolonial state officials, it not only caught them off guard, initially they didn't know how to respond to it until it set off a storm of controversy in de media. Imagine if it was more than just rhetoric. We got to stop dying like cattle.

De correcting of this guard has to represent a qualitative leap for us, for de movement on de inside. Despite other



oners to be released/returned back to de regular (non-supermax) kamps, which sent tremors throughout de system causing for de rest of de released M.C.C. prisoners to be placed on A/S (administrative segregation) status or immediately sent to a new supermax population prison, which is an indictment of de entire M.C.C. program and de theory behind it.

De fact that M.C.C. has been a complete failure to de D.O.C. in terms of trying to stunt de growth of political development within de prison system. Instead it has been de opposite. Everything de state has attempted to implement in de form of repression within de last 4 years has failed and has had in many ways de opposite effect.

Within D-cellblock where de guard was corrected it is one of de most repressive cell houses in de state. A mini supermax and officially called a "predator unit". A place where all sorts of repressive policies and psychological warfare is practiced and yet de beat goes on. De only solution they got is to start killing Us out right (which cant be far off) or keeping Us locked down 24/7 which

**continued on page 8**

## Perspective

Ever since the emergence of classes and necessarily the state, history has consistently demonstrated the fact that the state always represents the class most dominant within society. Given that fact, we can proceed with our analysis against the backdrop of the recent execution of Ajamu Resnover by the state of Indiana.

First and foremost, it should be noted that the people/masses did not kill brother Ajamu, notwithstanding ruling class claims to the contrary that his (Ajamu's) execution was carried out in their name. The fact of the matter is simply that he was killed by the state, which is a political organization with a number of coercive institutions, i.e. police, courts and prisons, at its disposal.

Moreover, it is important to remember that the state as a political body constantly represents the interest of its ruling capitalist class's psychology. Again it is critical that the masses understand the class nature of state sponsored murders, that is to say, who defines crime, criminals and ultimately the methods of execution. Obviously there was a segment of the population and particularly the colonized segment which was vocal in its opposition to the execution of Ajamu Resnover. However, given the class realities in which such an execution plays out, the class most dominant (ruling, capitalist class) in society which, by the way, retains a monopoly on the instruments of

violence as well, is able to ignore the voices of the class least dominant (working class) in a capitalist society.

Consequently, any legitimate attempts at analysis concerning contradictions in the capitalist scheme of things must necessarily begin from a class analysis. So while the state attempts to obscure the contradictions of its class killing privileges by purporting to represent the people, it is in fact an instance of a ruling, oppressive class killing a member of the oppressed class.

Thus the point of analysis is not the individual but rather the class in which he or she find their genesis. Clearly, the lessons are once again before us (colonial subjects) on society's blackboard. Prepare yourself for a protracted struggle by asking questions, then struggling around and against those conditions that give rise to such questions in groups. Ideological struggle (for correct ideas, analysis and behavior) is crucial for the purpose of tempering ourselves — politically and in that way, synthesizing both our clarity as well as our unity.

Finally, once we come to know and understand the source (colonialism) of our socioeconomic, political conditions, then it behooves us to do something about that which we critically understand to be wrong.

Uhuru Sasa!



# Prison Violence Project Aims and principles

The Prison Violence Project was formed as a reaction to the experiences of prisoners of the criminal justice system and its prisons. It has been observed that the high rates of incidents of violence, including psychological violence, violence against prisoners by staff, and violence amongst prisoners contributes to the violent crime committed by prisoners upon release. It is our goal to reduce these forms of violence in the prison system through research, pub-

lic education and utilizing the courts.

"Through these Aims, we hope to achieve a reduction in violence and violent potential in prisons and thereby cause a substantial reduction of violence by ex-prisoners and overall society."

1) We support the principles of the Mission Document of the Correctional Service Canada and use all our resources to promote its implementation.

2) We advocate the implementation of programs that develop a prisoners' vocational and social skills in order that s/he become a productive, law abiding citizen that is a full participant within the community.

3) We believe that the main focus of Canadian penitentiaries and release programs is the physical and financial security of Correctional Service employees. We will use our resources and the courts to divert

this focus towards the protection of society through the implementation of valid rehabilitation programs, which are sorely lacking at this time.

4) Our main tool in achieving our Aims one, two and three is Core Value Five of the Mission Document: "We believe in managing the Service with openness and integrity and we are accountable to the Solicitor-General."

The Prison Violence Project is currently involved in various research, legal and writing projects. One of these is the survey that has been sent out to many prisoners and their advocates. We will complete a statistical analysis of this survey once we have had enough responses. We already know that a report on this analysis will determine abuse(s) by the training schools, jails and the prisons. We will publish this statistical analysis with ten profiles

of (ex)prisoners who began their "careers" as petty criminals in institutions for minor crimes. The profiles will all conclude the horror stories of getting caught up in the "system" that perpetuates abuse. The publication will have an objective and analytical introduction and there will be a press conference the day the Report of the Prison Violence Study Project is released.

We are also beginning a campaign to lobby the federal cabinet to commission an enquiry into the federal prisons. To gather the necessary clout we will need to put such pressure on the government, we will coordinate a public education campaign through various media and venues. As a result, there are other chapters of our group forming, such as the Prison Violence Project at Trent University.

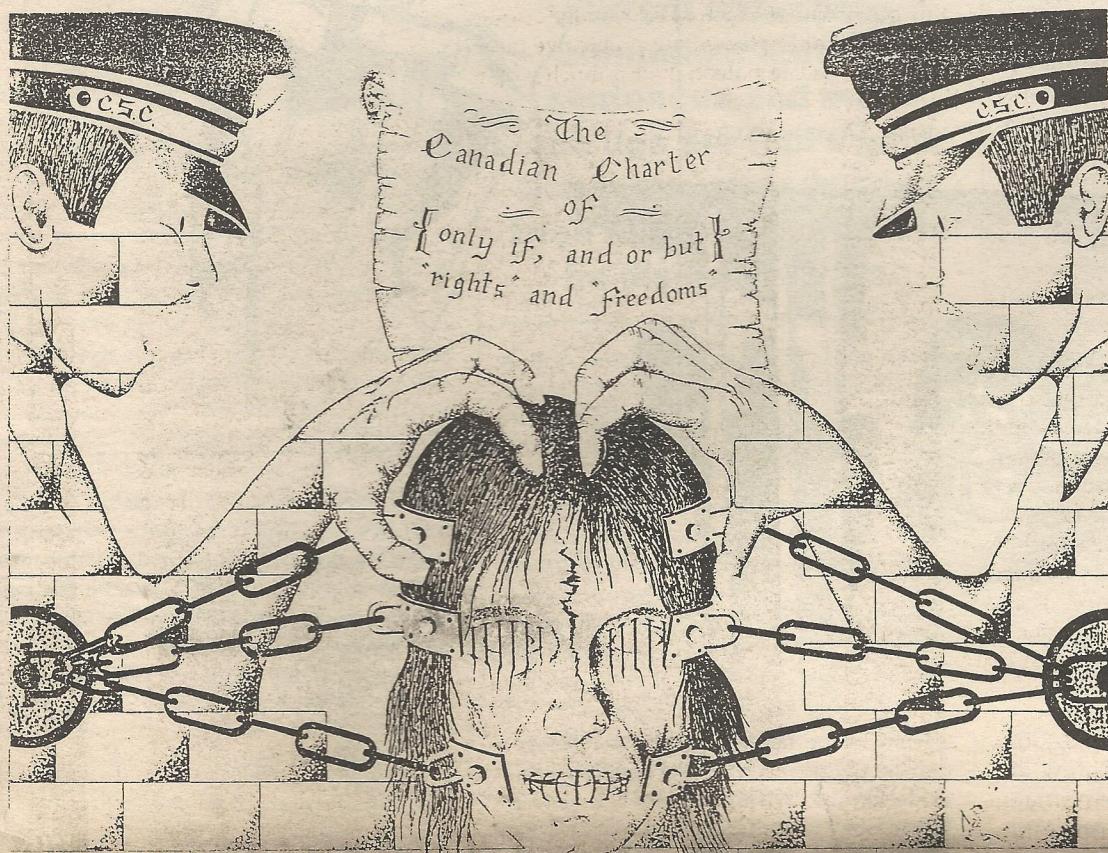
Among our many direct actions will include our keeping up to date on and initiating legal processes that affect prisoners. We plan to utilize the courts and assist prisoners in filing claims of human and civil rights violations. When people are sentenced to prison, they lose their liberty, not their rights to dignity, self-determination and being human. Unfortunately, access to the courts for prisoners to have these rights upheld and the violators to be held accountable has many barriers. We can and are determined to break down these barriers and ask prisoners' help in letting us know of current and relevant legal actions. ∞

To find out more about what the Prison Violence Project is doing or if you want to get involved in our projects or networking or especially if you wish to start your own chapter, write to:

PVP  
101 - 106 Beverly St.  
Toronto, ON M5T 1Y2

or

Rudolf Martens  
Chairman, Prison Violence Project  
Warkworth Penitentiary



## Six united prisoners win "totality of conditions" battle in 19 days

On December 22, 1994, the prisoners of the Taos Adult Detention Center (a county jail) in Taos, New Mexico, submitted a complaint to the jail's director. In their complaint, they asked for a meeting to discuss what they felt were unconstitutional conditions and policies at the jail. When the jail's director failed to respond to their complaint, 6 of the prisoners initiated a hunger strike which commenced on January 6, 1995. Their immediate demands were simple: (1) that the director meet with them to discuss their list of concerns; (2) that the meeting be recorded; and (3) that one news reporter of their choice be present at the meeting.

On January 10, 1995, their demands were met in the form of a 2-hour meeting that resulted in a total change of conditions and policies at the jail, including:

- 1) Non-Christian religious services are now accorded a parity of treatment with Christian ones;
- 2) The variety and quality of food has been upgraded;
- 3) Heating, ventilation and sanitation has been upgraded;
- 4) All prisoners shall now be provided access to the county law library on a daily basis (and a self-help manual);
- 5) An effective grievance procedure has been established;
- 6) Procedural due process in discipli-

nary matters has now been established;

- 7) The minimally required amount of recreation time for the prisoners has been more than doubled;
- 8) The jail may not enter into another contract with a telephone company (for prisoners' outgoing collect calls) without the prisoners' active participation and approval; and
- 9) Every prisoner shall be given one free phone call (at the jail's expense) upon entry into the jail.

Additionally, the director acknowledged the validity of the prisoners' complaints regarding visiting (non-contact) and commissary (scant list of items available), and has agreed to meet with the prisoners after they have prepared a detailed proposal to revise and expand commissary privileges and the visiting program.

Several phone calls to the local media by concerned citizens and underground media editors (including PNS), and half a dozen prisoners' willingness to make sacrifices and to stand strong in solidarity (non-violently) won the public's support. Those six prisoners have but one statement to make to all prisoners everywhere: "Make no excuses for your inaction. If we could do it, so can you." ∞

## Iron fist in NFRC strikes again, etc.

Guards beating prisoners in Florida's DOC's showplace at NFRC at Lake Butler is a brutal practice on the upswing. Numerous incidents are as-yet unsubstantiated, but we have evidence of two recent beatings. It is also not yet known how many murders have recently resulted. The Inspector General's office in Tallahassee shows no written record of beatings reported to them, so it's obvious DOC wants everything secret. We counter their efforts with this publicity and continue our internal investigation.

On the morning of 11-21, two guards tackled and beat an elderly prisoner who had committed the offense of digging through a dumpster. Guards named Gall and Sheppard beat the old man in the day-room of D Dorm. It is not yet known what hell was inflicted once "Pops" was removed to the cell block, out of sight. We cannot say whether "Pops" lived through that as we have not seen him since. That night, Sheppard, off-duty, was involved in a bar-room brawl resulting in facial scratches and a chipped bone in his left wrist. The next day back on his stomping grounds at the prison he was overheard bragging how he had tackled "Pops" the day before, details of the bar-room fight, and how he reported his injuries as duty related in the beating incident so the State would pay medical costs. Neither Gall nor Sheppard were injured by "Pops". The guards initiated the beating and finished it.

On 11-23, in front of the gym and hundreds of eyes including ours, a prisoner known as "Karate Mama" was beaten nearly to death by about 50 guards, Sgt. Davis and C.O. Hicks chief among them. The

"Coach" and Karate Mama disputed whether Karate Mama had to leave the gym. A tussle broke out, "Coach" (a guard) striking the first blow. Guards charged from all over and pounced on the prisoner. They hog-tied him with chains and toted him away face down, dropping the prisoner on his face and leaving a trail of blood. Now, 32 hours later, "Karate Mama" is obviously too battered for prisoners to see, if even alive.

The guards, a.k.a. "shit eaters", show their true colours at the least sign of resistance. The need for Abolition is highlighted critically at this sad news. ∞

by A. Florida Field Marshall II





# Criminal medical neglect: the crisis of HIV/AIDS in prisons

Just because a person has been sentenced to prison, it does not mean that they no longer have any rights. Because medical care and treatment is a right, it is also an inalienable right of everyone in prisons. However, some of the current medical practices such as mis-diagnosis and ignoring illness within the prisons amounts to none other than criminal neglect. Especially when it comes to HIV/AIDS!

Although we spend vast amounts of tax dollars on criminal justice and prison budgets are high, health care costs are not a priority. As a result, even minor illnesses become major and sometimes fatal. In the case of HIV/AIDS, treatments and preventive medications are practically unavailable, leaving prisoners with HIV/AIDS even more vulnerable, especially to common illnesses that their immune systems can no longer easily resist. What is available to a person with HIV/AIDS in the community is not available in the prison setting. This is a contradiction to guaranteed rights to health and medical treatments for prisoners, and puts into question whether Correctional Service Canada meets the standard it professes through the laws that govern it.

One of the urgent aspects of the crisis of HIV/AIDS in prisons is the need for HIV testing. Without knowing they are infected, prisoners can and will pass it on to others inside as well as on the outside when they are released. At the same time, not knowing they are infected prevents them from getting treatment that will prolong their lives. Therefore, there needs to be a priority in providing HIV testing, and this testing needs to be informed, consensual, and anonymous, accompanied with pre- and post-test counselling. Currently this is unavailable in the prisons.

A strong deterrent from getting tested for HIV is the fact that there is a very high degree of lack of confidentiality of prisoners' medical information. This is in direct violation of the right to doctor/patient confidentiality. Because of the myths and misconceptions of HIV/AIDS due to the lack of factual education, prisoners do not want to be near those who are infected. As a result, prisoners with HIV/AIDS are in many cases isolated, ostracized and abused by both their peers and custodial staff. It is no wonder why persons with HIV/AIDS in prisons live on average only half as long as those do with the illness in the community.

A pilot project at Collins Bay penitentiary for informed and anonymous testing for HIV has recently begun. This is an initiative of Correctional Services but it has been a long time coming. They continue to disregard such recommendations put forth by community groups that testing be done by community-based health care and service organizations.

There is also a struggle for preventive measures for the high-risk group that prisoners are. This is one area that has had some success. Currently, all federal prisons and some provincial ones do provide condoms to prisoners. However, this leaves at least 50% of prisoners who do use injection drugs at very high risk, as well as women, who do not have access to dental dams. There needs to be an implementation of needle exchange, as well as provisions such as bleach to clean needles, which are available in our communities. Not too many years ago, prison administrators were of the mind that HIV/AIDS is not a problem in the prisons, because sex is proscribed and drugs are illegal. Regardless of people's moral point of view, people are going to

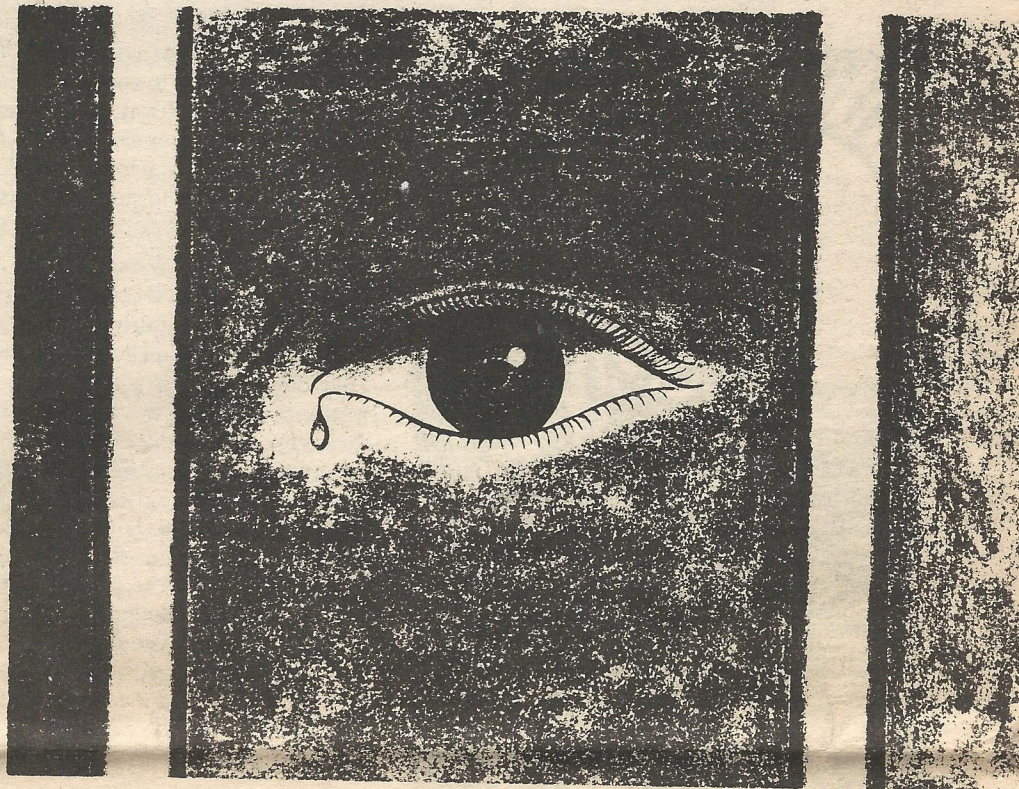
continue to have sex and shoot up. So there needs to be every precaution taken, which cannot happen without needle exchange and condoms in all the prisons.

Only recently have prison administrators and health care workers come to terms with the reality that prisoners are among the high risk groups with HIV/AIDS. IV-drug users, sex-trade workers and those practicing unsafe sex with many partners make up a large proportion of prison populations. And they continue their practices in prisons. Without factual education, testing for HIV and implementing preventive measures, there is a potential for a much worse

crisis than already exists. The reality is that prison walls will not contain this plague and it will increase the rates of HIV/AIDS in our communities

During the summer of '95, Prisoners' with HIV/AIDS Support Action Network (PASAN) will host a "national workshop on HIV/AIDS in prisons" in Kingston, Ontario. The two-day workshop will be an opportunity for health care workers, activists, ex/prisoners and policy-makers to discuss and develop some concrete plans to initiate a comprehensive strategy for HIV/AIDS in prisons. Prisoners will be attending the workshop on Temporary Absence Parole, and we ask that anyone interested in attending this workshop or wanting more information contact:

PASAN  
#324 - 517 College St.  
Toronto, ON M6G 4A2 ∞



## The Goldfront Project

Dear Community;

We all know that Our youth are engaged in destructive behaviors. One magazine, *Newsweek*, (August 15, 1994, page 23) has gone so far as to state: "A disproportionate share of murder is committed by and against young Black men ... Their rate of victimization is 10 times higher than that of young White men." Our position is that if it is one youth killing another youth, it is one too many.

We see that community programs designed to reach Our youth and instill in them a sense of self and group worth, are only able to do so much.

Our communities are in a state of emergency! This means that *everyone* has to contribute to stopping the tide of death and destruction. Therefore, We see that those of Us who are imprisoned have a responsibility to bear for some of the destruction being visited upon Our communities. Recognizing and bearing that responsibility, We have devised an initiative which We are confident will contribute *some* to stemming the tide.

We believe that a large portion of the blame for the self and group hate exhibited by Our youth is the fault of the adult population, both in and out of prisons and jails. The dog-eat-dog mentality that the adult population has exhibited over the last generation has translated into a large segment of Our youth being alienated and scarred. That has translated into the violent internal response from Our youth which is manifested in their seemingly total disregard for life and liberty. And has caused a significant portion of the community to live in fear of the very children We are supposed to protect and serve, i.e. *love*.

We can cite a litany of external causation for the problems Our youth are having, such as funding for public schools continuously being cut to build more prisons. But, We see that a lot of Our problems can and should be solved by Us!

One way that can help to solve some of the problems is to demonstrate to the youth that prison is not somewhere they want to end up!

We believe that a person can *see* something better than they will hear something. One way We believe will help to make Our youth *see* is to bring them into the penitentiaries for intense tours of the entire facilities and discussion with those of Us who are in here who can effectively demonstrate to them the relationship between their self-destructive actions, destruction of Our communities and prisons, and how they are only helping those who would rather see them locked up, or dead, by continuing along the path a lot of them are headed.

We can demonstrate to Our Children that prison is *not* a place for "homecomings" for homeboys (and girls); that prison is *not* a place where prisoners lie around eating and getting fat, and watching T.V. in air-conditioned rooms; that it is a dehumanizing experience which leaves the person affected in a cruel way; that respect for life and liberty are what's really happening and that *no one* does time alone! Everyone in prison who has someone who loves them have someone who is also adversely impacted by the prison experience, and by the destruction of drugs and death. Everyone is victimized. Some of Our youth state the reason they do what they do is to help support their families. We can demonstrate to them they, in fact, cause more harm

than good.

We therefore call upon *you*, the community, to demand of the Texas Department of Criminal Justice that they institute the type of tours and interactions for Our youth that We envision.

This is *not* a "scared-straight" type program. We believe that We should not try to scare Our children. Indeed, it is Our position that you can't scare Our youth. But, they can be given a healthy dose of reality and love which they *will* respond to.

Call, write, and/or visit your local and state representatives, the Governor, the Director of the Texas Department of Criminal Justice — Institutional Division, Mr. Wayne Scott, and the Texas Board of Criminal Justice, both are based in Huntsville, TX, demanding your *right* to do something to protect yourselves, your communities and Our children!

Many things are necessary to repair Our communities, but building more prisons in which to bury Our children — Our future — is not one of them. More prisons are not the answer! *Bringing Our children in here while they can still walk out of them is!*

For more information on this initiative, please contact:

A.M. 31 — N'COBRA  
P.O. Box 75437  
Baton Rouge, LA 70874

and/or

The Black Fist Collective  
15110 Bellaire, Box 317  
Houston, TX 77083

A.M. 31 Co-chairs can be reached directly at:

Prince Imari Obadele  
Ellis 1 Unit #563888  
Huntsville TX 77343

and

Michael Malcolm 2X Sheffield

Ellis 1 Unit #541530  
Huntsville TX 77343

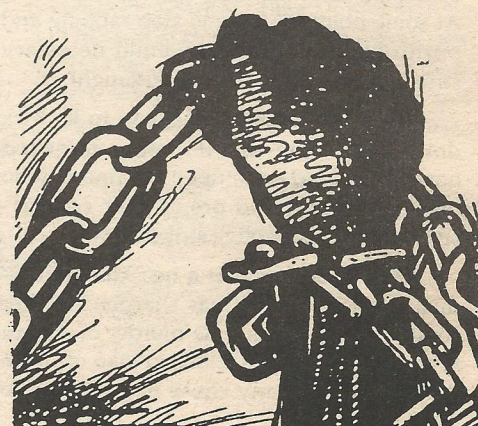
A brief notice of this project was run at the end of Prince Imari's article entitled "Our children are not the problem", there were a couple of errors. The first was it ran as *Goldfront*, not *Goldfront*. The project was named after the Brotha, A.M. 31 Sgt at Arms, James Goldfront Rogers, who came up with the idea. Goldfront is a good man, and father, and has an excellent rapport with the younger males held prisoner. Also, Goldfront is, as most of Us in A.M. 31 are, the mold from which most of these young cats were cut.

The other error in the notice was that it is not "modelled after the 'scared-straight' programs." It is *not!* (See above.)

Prisoners who are having problems writing to Prince Imari should send letters to:

Black Fist/Frank  
15110 Bellaire Box 317  
Houston TX 77083

Ask for the package of material that was sent out as of 27/Nov/1994. Prisoners other than those at Pelican Bay or in Texas should send stamps if at all possible.





# Knowledge is power — use it

Prison can be a very debilitating place. Most of what we experience here is designed to hurt us permanently. Not too long ago, in the days of your grandfather, Canadian prisons focused on physical torture in order to break those Canadians who did not have enough power (money and political influence) to stay out of prison. The "Correctional Service" needs compliant broken bodies that will continue to be a number for as long as possible. This number is their ticket to millions of tax dollars.

You may ask, "How could they accomplish this task? Human beings will not voluntarily give up their lives to be slaves to someone else's greed. Men and women

have families and friends that will not allow this to happen." Well, you are correct and the keepers know this.

In the past, up until the 1950's, they would force prisoners to be cut off from the outside world. Visits were extremely restricted, mail was almost non-existent, the media was not allowed inside to talk to anyone, and Ministers of Parliament were not allowed to inspect prisons except under close supervision. Once the keepers of men had cut off society's influence, they proceeded to destroy the companionship that the prisoners tried to get from each other. They did this with silence, segregation and corporal punishment. It was easy to keep their gravy train going.

However, every new crime is followed with a way to control it. Thus, there were many Royal Commissions that forced the keepers to open the prisons to society's influence. The keepers then had to justify the millions they demanded to keep the powerless behind bars.

The keepers were desperate. Their physical brutality was powerful, but it was now extremely limited. They did not have any more solutions to the problem of having to justify their behavior to the public and the government. So they brought in some brains, the psychologists. These academics also found guaranteed employment by holding Canadians for years. Like the keepers, the psychologists have a very limited role in society. Normal people want nothing to do with them. It was during the 1960's that the keepers and the psychologists found each other.

The question is: How can we defend ourselves from becoming the

animals that they want to create? The answer is: knowledge. Understand what is happening to you, write it down and let society know what they are doing. This tactic got rid of the rack, whips and the silent system. Remember, these tortures only went out in the 1950's. The paddle was only outlawed in 1972! Society is winning against them. Do not give up!

The following is a summary of their tactics right from the horse's mouth:

At a Washington, DC conference in 1962 organized for the Federal Bureau of Prisons by the National Institutes of Mental Health, Schein presented his ideas on brainwashing. Addressing the topic of *Man against Man: Brainwashing*, he stated:

"In order to produce marked changes of behavior and or attitude, it is necessary to weaken, undermine or remove the supports to the old patterns of behavior and the old attitudes. Because most of these supports are the face-to-face confirmation of present behavior and attitudes, which are provided by those with whom close emotional ties exist, it is often necessary to break those emotional ties. This can be done either by removing the individual physically and preventing any communication with those whom he cares about, or by proving to him that those whom he respects aren't worthy of it and, indeed, should be actively mistrusted (Chorover, S.L. 1979. *From Genesis to Genocide: The Meaning of Human Nature and the Power of Behavior Control*. Cambridge: MIT Press)

Dr. Schein then provided the group with a list of specific examples:

1. Physical removal of prisoners to areas sufficiently isolated to effectively break or seriously weaken close emotional ties.
2. Segregation of all natural leaders.
3. Use of cooperative prisoners as leaders.
4. Prohibition of group activities not in line with brainwashing objectives.
5. Spying on prisoners and reporting back private material.

6. Tricking men into written statements which are then showed to others.
7. Exploitation of opportunists and informers.
8. Convincing prisoners that they can trust no one.
9. Treating those who are willing to collaborate in far more lenient ways than those who are not.
10. Punishing those who show uncooperative attitudes.
11. Systematic withholding of mail.
12. Preventing contact with anyone non-sympathetic to the method of treatment and regimen of the captive populace.
13. Disorganization of all group standards among prisoners.
14. Building a group conviction among the prisoners that they have been abandoned by and totally isolated from their social order.
15. Undermining of all emotional supports.
16. Preventing prisoners from writing home or to friends in the community regarding the conditions of their confinement.
17. Making available and permitting access to only those publications and books that contain materials which are neutral to or supportive of the desired new attitudes.
18. Placing individuals into new and ambiguous situations for which the standards are kept deliberately unclear and then putting pressure on him to conform to what is desired in order to win favor and a reprieve from the pressure.
19. Placing individuals whose will power has been severely weakened or eroded into a living situation with several others who are more advanced in their thought-reform whose job it is to further undermine the individuals emotional supports.
20. Using techniques of character invalidation, i.e., humiliations, revilement, shouting, to induce feelings of guilt, fear, and suggestibility; coupled with sleeplessness, and exacting prison regimen and periodic interrogational interviews.
21. Meeting all insincere attempts to comply with cellmates' pressures with renewed hostility.
22. Renewed pointing out to the prisoner by cellmates of where he has in the past, or is in the present, not been living up to his own standards or values.
23. Rewarding of submission and subservency to the attitudes encompassing the brainwashing objective with a lifting of pressure and acceptance as a human being.
24. Providing social and emotional supports which reinforce the new attitudes.

Now that you know what is happening to you, what do you do with this knowledge? Declare and follow these principles and their power over you will vanish. History proves that they work.

1. Never again will I break the Criminal Code of Canada.
2. Never again will I give people, who like to use power in order to hurt, anything to use against me. They will have to invent new reasons to extort money from the taxpayer.
3. I believe in what I do, namely to fight for the weak that those who enjoy power like to exploit.
4. I believe in love not hate. I am angry at evil methods and will defend against them, but I will also fight the hate that they so enjoy fostering.

Rudolf Martens



## Ajamu Nassor, from page 5

they are doing more and more anyway. Once de move to lock Us down permanently is made they will move to take all de toys and privileges they have given. That's where these people are headed and it's de only direction they can go. Hopefully We won't wait til they get there before trying to move Our struggle to a higher and more serious level all around.

We should not allow this sequence of events to go unbuilt upon. De state has attempted to keep it all hush hush and out of de media, and yet We are locked down going on a month. We have to seize de initiative brothas. We caint keep passing responsibility to de other when We Ourselves are qualified. We know de direction these kamps are headed all across this empire. With de so called kkkcrime bill, de reactionary hysteria that has been manifested around so called kkkcrime, de reactionary right wing politicians pulling off their hoods and preparing for a legislative blitz of all sorts of reactionary and draconian laws. De public resurgence of pseudo science in de form of bell curves, eugenics, etc. These people are preparing to intensify their genocidal onslaught inside and outside these prisons. At some point we have to stop rapping and posturing and begin to re-build necessary structures to counteract this onslaught.

Eventually these are going to be lock down kamps. Im sure it's being discussed now. We should seize upon de time now to build, construct and prepare for counter-strikes and presumptive strikes now.

Due to de fact that a neo-kolonial soldier was corrected it has sharpened other contradictions. During de murder of Ajamu several neo-kolonials chose to take off from de plantation. Many chose not to come to

work for a couple of days while de lynching was being carried out, while other neo-kolonials like Lieutenant Roby and Ray Ray assisted de execution team.

Historically whenever there was some kind of insurrection by kolonial subjects, and enemy forces were either stabbed or taken captive, neo-kolonials were dealt with liberally. Usually they were spared de sword of justice or de first to be traded or released during hostage negotiations. Provided they were not known as outright terrorist within de population. With de correcting of this particular neo-kolonial, it has in actuality served notice on these neo-kolonials that de unofficial detente, silent truce and collaboration that has been in place over de years, is canceled, no longer valid. You're just as vulnerable as de white racist nazi settler who continue to bash Our heads in. No longer will you be allowed to collaborate with de enemy state, pledge allegiance to de enemy state, carry out de state's genocidal and kolonial policies and then attempt to enjoy your skin privilege behind these walls and play off of narrow nationalist sentiments. You're just as accountable as de racist settler.

Due to de fact that Black life is valued neither inside nor outside de boundaries of de state, even when its one of their own, their has been a struggle going on within de enemy ranks. Feelings of demoralization by their neo-kolonial troops has set in. Feelings that de white power structure has not shown enough of a strong response, strong enough solidarity with de neo-kolonials. Feelings that a stronger message of retaliation has not been demonstrated against de prison population and feelings that had it been a settler de response would have been much greater. This has led to resignations, firings, etc. Yet on de other hand some of these same neo-kolonials have secretly and covertly push for de assassination of de arrested suspect. This

has led these neo elements to covertly approach influential elements and subtly call for de murder of de brotha that was arrested. These calls should not be taken lightly.

Despite reports in de local paper that We would be off lock down before xmas, de rank and file, and spearheaded by neo-kolonials, are calling for a long term lockdown. They are calling for stringent measures not only as an attempt to validate themselves but an attempt to exact revenge and send a message to de population.

Contrary to de lies by de state that they genocided Ajamu on behalf of de people and in de people's name, We know that de genocidal murder of Ajamu was in actuality a kolonial kkkcrime committed against de people. A kolonial kkkcrime by a settler racist state. De ruling class of society and elite power structure represented in de form of de state and its agents do not act on behalf of de people; they act against and oppress de people. De state only acts in its own best interest and de interest of de ruling class. Ajamu as a kolonial subject, a rebellious and conscious kolonial subject, was killed, had to be killed because he represented a threat. A threat to de settler state and its kolonial relations of domination.

No kkkcrime can be greater than the state's kkkcrimes. No violence can be greater than de state's organized monopoly on violence. No terror can be greater than state terror.

i support all blows against de state, against my enemies. Be they verbal or physical blows, be they blows to wound or death blows. i support em. Just let them be decisive! Let them advance Us and not set Us back. Let de year "95" represent a bend in de road leading to new heights. Long live de spirit and example of brotha/comrade Ajamu Nassor!

Moving Straight Ahead



# Iron House Drum

## Thoughts from a prison cell

Sometimes I wonder why my head is so big. It's certainly gotta be more than a container for knowledge, 'cause my knowledge and understanding is so pitiful it could probably all fit into the ass of a gnat and still have room to dance! Hee hee. So, by deductive reasoning, I suppose my head is here substantially for its good looks. I guess what I'm trying to say is, if you continue to read this, don't expect to come away wiser for it. But you're welcome to sit through it anyhow.

I'd like to share a few thoughts with my brothers and sisters in the struggle both inside and outside these Iron Houses. In the course of my own life I've faced many injustices, as we all have. The injustice has come in many forms, from many sources. Sometimes, even those who we love and would die for turn against us without any reason that we are able to conceive, regardless of how hard we try. Sometimes the injustice comes down on us with such crushing force that we want to just lay down and cry ourselves to sleep, and to never have to wake again. Other times our minds may react with thoughts of how we would like to pay back those who do us wrong, and rage, bitterness, hatred and violence threaten to engulf our minds and hearts. I know how these things feel, because I have lived with them all my life, just as many of my brothers and sisters have. Right now I want to extend my heart to you, my brothers, my sisters, my comrades. To each of you.

When we were made from the vessel of the Creator's heart, we were given our original instructions to live in harmony with all our relations; to walk lightly upon our Mother, with love and respect. Well, as we look around us it's pretty easy to see that things are out of balance and that there are many who have forgotten those original instructions. The way I see it, this is because the Creator made us humans different from the rest of our relations in that we were given the ability to use our minds and hearts to choose our paths. This is explained by the figure of twins. Each person is in fact twins: one of those twins wants to hear the heartbeat of the Creator and to go that way. The other twin will not hear the heartbeat and wants to go its own way. These twins constantly struggle with each other.

Well, the Elders say that a long time ago, this turning away from the original instructions became so great among the human race that the earth had to be cleansed by a great flood. Later on, the earth was peopled again, but again, the people fell away. At last, the Creator decided to destroy the human race again. At this time no one came forward to plead for man, no one asking for mercy. But finally the eagle came forward, The eagle knew about the wickedness of the humans on earth, and he knew that there were only a very few who remained faithful to the Creator's Way, but on behalf of this few, he begged for mercy and pled with the Grandfather all night long. At last, the Creator, though very saddened by the evil he saw, drew back from his intention and decided to give the human race another chance. And at this time the Creator appointed the eagle to keep in touch with the Earth and the people for whom he had pled. In his flights above the earth, he was constantly to search the earth for evidence of the humans' faithfulness to the Creator's Way, and to encourage them in it.

Our ancestors rejoiced in this love which the Creator had shown to those who had turned their backs on him; that he had given them another chance. They rejoiced that he had given them a helper towards faithfulness. And the elders say that each and every one of us is called to show the same forgiveness to the undeserving as he has shown. We are to never give up on one another.

Not long ago, I fasted, and as I began my fast, I asked my Grandfather to help me find some good thoughts, and what I just shared with you are some of the things that I thought about. But I also thought about something else. What I was really looking for was a way to understand how people can be cruel to each other, how there can be so much injustice in the world, how a small handful of people are so greedy and thoughtless that they can accumulate enormous material wealth while so many children, women, men and elders must go without food, without shelter, and other basic necessities of life. These thoughts overwhelm me, as they did as I was fasting, and then another thought came to me, which is kinda funny, because I'm not a Christian. But in my mind I saw Jesus on the cross, nailed there, breathing his final thoughts on this earth, and I felt that in that moment of his life he was suffering his ultimate persecution and pain at the hands of the same kind of people that make us suffer. And in that moment of his greatest suffering, he looked up into the sky and asked the

Creator to have pity on them because they didn't realize what they were doing. And I thought to myself, "That's how it is."

In that moment, I realized that I can no longer hate my enemies and all those who cause pain and suffering in the world. I gotta have pity on them instead. I gotta pray for 'em. No matter what I'm faced with, there's one thing I know: we all have one Creator. We're all part of the same Creator; even our enemies are our brothers and sisters. If I ignore that, then I also have to ignore the rhythm of the Creator's heartbeat. With this thought I pray:

*Tunkasila, Wakan Tanka*, lean down to hear my pitiful voice. I ask you for a blessing for me and all my relatives who struggle today. We need your guidance, your blessings, so that we will be strong and our footsteps sure, in a sacred manner. We can't do it without you, Grandfather. We are pitiful. Please have pity on us. Give us the wisdom to see the things you place before us, and the strength to pick these things up, and the courage to walk with them in a good way. Help us to set a good example so that our brothers and sisters whose good twins are asleep might see themselves reflected there is us and wake up and remember the original instructions. And Grandfather, bless us with the strength and courage to use this most powerful medicine you have given each of us, which we seem to have forgotten how to use. I know that medicine is *love*. Help us take this medicine and heal each other's hurts, and dry each other's tears. And help us, *Tunkasila*, to use the gifts you have given us, our skills, our talents, our minds, our hearts, help us and guide us, Grandfather, so that we may use these gifts to the best of our ability to carry out your instructions, and to live in harmo-

ny as a true relative with all our relations.

*Tunkasila*, thank you for the many things we take for granted in our daily living. Thank you for the warmth of shelter that we often take for granted without thought for the many people on this sacred earth whose bodies ache with cold because they have no place to sleep in warmth and peace. Thank you for the food we have to eat; help us to remember as we eat, the millions and millions of little children and their mothers whose stomachs burn with hunger because they don't even have a crust of bread to eat. Thank you for the water that we sometimes take for granted and use without thought for those many people who die every day for the want of it. Grandfather, *mitunkasila, Wakan Tanka*, i give you thanks for this day, and for all my blessings. Please help me use them wisely and humbly, so when it is my time to join my grandfathers, I will do so without shame. ∞

*Thank you for this prayer. Mitakuye Oyasin. Inyan Oyasin*

To contact Little Rock Reed, or the Iron House Drum, write to:

*Center for the Advocacy of Human Rights  
Box 880  
Ranchos De Taos, NM 87557-0880  
505-751-0197*

For information about Native struggles across the U.S. and Canada, write to:

*On Indian Land  
P.O. Box 2104  
Seattle, WA 98111.*

It is an excellent paper that is free to prisoners. Non-prisoners, \$10.00/yr.

## Native prisoners need support

Native prisoners in nearly every federal and state prison in the United States are struggling for religious freedom in one way or another. In some prisons, virtually every outward expression of religious freedom is prohibited under pain of extended punishment, solitary confinement, and even brutal beatings. In other prisons, while it appears on the surface that the native men and women are afforded adequate opportunity to practice their beliefs, they are nevertheless subjected to discrimination that other ethnic groups simply do not experience. Below are some names and addresses of contact persons for Native prisoner-groups who need outside support. Please write to the one nearest you and find out how you can help. You might not have much to offer beyond a letter of encouragement and support — but even *that* can change someone's life by giving them hope.

*Thank you,*

*Richard Ortega #198907  
MCC Box 500  
Boydton VA 23917-0500*

*Doak Wellington #728  
Box 500 AZ-14  
Appleton, MN 56208*

*David Wolf Walker  
Box 131  
Cherry Creek, NY 14723*

*Glenn Edward Seeley  
P.O. Box 369  
Springfield, SD 57062*

*Joe Knarr B2-0473  
RD #10, Box 10  
Greensburg PA 15601*

*John Blackburn #229-259  
30420 Revells Neck Rd.  
Westover, MD 21871*

*Richard Patterson #93 B 0943  
P.O. Box 104  
Soneya NY 14556-0001*

*Charles Renchenski  
1100 Pike St AP 8124  
Huntingdon PA 16654-1112*

*Edward B. Jenkins E 60350  
7018 Blair Rd. A4-119  
Calipatria, CA 92233-5001*

*Murphy Thomas O.I.D. 118854  
P.O. Box 10  
Stillwater, MN 55082-0010*

*Eldred Iron Moccasin  
P.O. Box 5911  
Sioux Falls, SD 57117*

*Matthew Hansen 15784/C-221-T  
Utah State Prison  
P.O. Box 500  
Gunnison, UT 84634-0550*

*Luiz Rodriguez C 33000  
Box 7500 D-5-217  
Crescent City CA 95532*

*Alex Montana #448568  
3001 S. Emily Dr.  
Beeville TX 78102*

*La Vern Rogers #40256  
Box 9001  
Sturtevant WI 53177*





# Fifteen years of Bulldozer and more

## The personal, the political, and a few of the connections...

Fifteen years ago, in February 1980, the Bulldozer collective was formed when 4 or 5 activists from various places in southern Ontario met up in Toronto and decided that we should start working together on prison-related issues since we had individually begun to do so. We were so inspired by the letters we were receiving from prisoners that we decided that should share them more widely, that summer we put out the first issue of a newsletter called *Bulldozer* — the only vehicle for prison reform.

Much has changed since that time — and generally for the worst. Prison populations have increased in Canada by over 50 per cent, and by much more than that in the U.S. Conditions have deteriorated due to overcrowding and program-slashing. Control Units have proliferated and sentences have gotten longer. More than ever, prisons seem to be an inevitable part of the lives of the poor and marginal. Their role in disrupting and containing the colonized peoples — Native, New Afrikan, and Latino — is as effective and disguised as ever.

With only a few exceptions — i.e. the closing of the Lexington Control Unit for women — the struggle against prisons, inside or out, has been weak and ineffective. Only a few states like New Jersey have any connection with the earlier prison struggles. The prison struggle in Canada which was strong in the late '70s and early '80s met with a combination of reform and repression that killed whatever energy was left. Resistance in the Washington state system which represented one of the final thrusts of the prisoners' movement that reached back to the days of George Jackson was eventually disrupted by forced transfers and overt brutality. Since then conscious and active prisoners have generally found themselves isolated, either deliberately so in Control Units, or simply because the majority of prisoners prefer to remain asleep. Sadly enough, there are many prisoners who have been on our mailing list since the '80s.

On the outside, a small number of very dedicated individuals and groups have kept going, but there has been no movement to speak of until very recently. Prisoner-support work has not been that popular with the left, nor with social activists in general, and as in most movements out here, a year or so seems to satisfy most people's interest in doing the work. In spite of the hard work on campaigns to free particular POWs, such as Leonard Peltier, most of them remain in prison, a constant reminder of our weakness.

But Bulldozer has not survived fifteen years by dwelling on the negative, and I don't intend to. Recently, there have been positive developments on both sides of the border which suggest that we are able to take some political initiative in the crime and punishment debate. The meeting in Philadelphia in December, 1994, in which anti-prison activists from across the U.S. (and Toronto) came together to set up the Control Unit Monitoring Project (CUMP) is certainly a significant step.

CUMP is a major political initiative and will be a test as to whether or not a movement can be built on the outside, working with prisoners, to close down Control Units. The development of this campaign requires a political strategy. As one of the longest standing collectives involved in anti-prison work, Bulldozer has a certain responsibility to assist in this development. Yet we are hampered because we are based in Toronto, and after more than fifteen years involvement with the American left, there is still much that is totally mystifying about radical politics in the U.S.; the enormous division between the various races is particularly perplexing. One of the ways in which we've maintained credibility over the years is because we don't talk about what we don't know. We hesitate to make suggestions as to what outside activists in the U.S. should be doing to advance the struggle, beyond very general principles, because the political realities in the two countries are very different.

With this in mind, I would like to use this article as the beginning of an irregular series that would articulate some of the politics we've developed over the years. It is not intended as a "What is to be Done" but more where we've come from and what we've seen work. *PNS* does reflect our politics, but they have been more implicit than explicit. We've never written long essays telling prisoners what they should think. Rather, we've tried to provide a forum in which prisoners, individually and collectively, could articulate and develop their politics. We were always more interested in what we could learn, rather than what we could teach. If individual prisoners could learn from us, so much the better, but that would come from ongoing dialogue and communication. The political direction of the paper would be determined by prisoners, even if the decision as to what would or would not be printed was always ours.

### Counter cultural politics

Bulldozer's politics are rooted in the counter-culture, going back to a student house begun in the fall of 1971 in Kitchener, Ont. which developed into one of the first anarchist collectives in Canada, with a heavy emphasis on radical psychology and existential philosophy (and sex and drugs and rock and roll.) All through the '70s, the collective tried to maintain a political orientation to counter cultural politics, even as the individualism that was glorified in these movements allowed for the reassertion of race, class and gender privilege, and a reintegration into business-as-usual for many former radicals and activists. In 1979, we moved to the country, and set up a communal dirt-farm with the expectation that it would be a viable rural community from which we could maintain a political practice.

The first issue of *Open Road*, a kick-ass, and very well produced, anarchist newsletter came out of Vancouver in August of 1976, transforming radical politics in Canada. Many of the articles in that first issue — Leonard Peltier's impending extradition to the U.S., George Jackson Brigade actions, an interview with Martin Soastre, a Puerto Rican anarchist and former POW, coverage of Native and prisoners' struggles — would not look out of place in the *PNS* today. My own sense of political possibilities and necessities were opened up by the year (1977) which I spent working with *Open Road* in Vancouver. But there was little opportunity to put them into practice when I returned to Ontario. I became increasingly dissatisfied with the self-indulgence of the counter culture and the anarchist-purism that celebrated it. I missed the more activist-oriented politics of the Vancouver scene but moved to the country anyway to follow the politics of collectivity through to the end.

The farm floundered right from the beginning due to a lazy-faire attitude and middle class arrogance. With self-expression and "do-your-own-thing" as the highest values, most communal members were unable to respond to the realities of a situation determined by an unrelenting hostile climate, and the cycle of the seasons. Having grown up poor and living-in-the-country, it didn't seem to be such a big deal to be back, poor, and living-in-the-country. I left totally disillusioned at the end of 1981, moved to Toronto permanently, cut my hair, and got a full-time job shortly after. I had started to write to prisoners and the first issue of *Bulldozer* came out while I was still living there. I was keen to continue with the work.

*Open Road* motivated the creation of a more action-orientated, militant politic in Vancouver such as the Anarchist Party of Canada (Groucho-Marxist) which carried out a series of "pieings" — literally throwing a pie in the face of a politician or celebrity, with Eldridge Cleaver being the most famous "hit" — in order to make a political

point. As simple as this may sound, it brought about political and personal transformations from planning and carrying out the actions to dealing with the consequences — confrontations with reactionaries and authorities. The more serious people in the scene started to do support work for the prisoners in the old B.C. Pen whose struggles eventually resulted in its closure. From then on, prisons have been an essential part of the work taken on by our circles.

Out of this came Direct Action, an armed group which in 1982 blew-up an electrical substation on Vancouver Island (\$5 million in damages) and a Litton Industries factory north of Toronto that built components for the Cruise Missile (\$10 million in damages and several injuries). Some of the same people were also involved in the Wimmis Fire Brigade firebombing of three video stores specializing in violent porn. They were arrested in January, 1983, immediately putting us into doing support work. In June of 1983 Bulldozer was raided and threatened with a charge of Seditious Libel (calling for the armed overthrow of the state) for the distribution of support-leaflets we were putting out. A mid-wife, living with us at the time, was arrested and charged with "performing an abortion" in an attempt to get information from her about our links to Direct Action. After several thousand dollars in legal fees, and a year of high-stress, all the serious charges were dropped in connection to the raid. After losing several legal challenges over the legality of evidence, the Vancouver Five, as they had come to be called, pled guilty to several charges related to the actions.

*Bulldozer* was being published irregularly during this time. The 8th and final issue came out in 1985. I was personally and politically exhausted, and Bulldozer as a political project disappeared for two years. Fortunately, a very active group of young high school students in Ottawa had been influenced by the politics put out around the trials of the Vancouver Five. Even as our own political motivation had disappeared in despair, they took the ideas and started working with them, leading to the appearance of *Reality Now!* an anarchist zine that was very influential. Eventually, their enthusiasm helped to regenerate my own politics. After two years of inactivity the tedium of a comfortable working class life was becoming all too apparent. When Bill Dunne needed an outsider to help him with *The Marionette*, a prisoners' newsletter he was doing from Marion, I rejoined the struggle. *PNS* then developed out of *The Marionette*.

### Social history

This provides a brief history of Bulldozer, though it is more of a social than a political history. I want to be clear that Bulldozer developed out of the alternative or cultural politics — i.e. the punks, and hippies, purist anarchism, women, lesbians and gays, etc. — which has been the primary means by which white youth have radicalized over the past few decades. It is all too easy, and certainly necessary, to critique these cultural movements. Their general failure to deal adequately with issues of race and class does make them little more than "white rights" groups as Lorenzo Kom'boa Erwin puts it. The social alienation that originally motivates many white youth into becoming part of these cultural or marginal movements get channeled into an accommodation with race and class privilege. Intense self-absorption, often combined with heavy drug and/or alcohol use, leads them to think that their subjective rebellion has some meaning. But modern capitalism cares little what anyone actually thinks, so long as one produces, or if unemployed, accepts being economically marginal.

The women's movement is, or at least was, different in that it did pose a real threat to the existing patriarchal structures of this society. This can be measured by the severity of the ideological counter-attack waged against it, even if it was discovered that the position of women in society could be changed without endangering the interests





of those who get the goods. Awareness of their own misery had lead many women individually and collectively to develop a radical analysis of their social position. This self-awareness became a vulnerability as self-help, New Age therapies — often looted from Native societies in a continuation of the kolonial kleptomania that has characterized white society — were used to help women (and men) to fit into the existing system. Political consciousness was increasingly seen as being part of the problem, rather than part of the solution. The necessary struggle to feel good about oneself — self-esteem — allowed for an acceptance of class and racial privilege.

For all that, though, we haven't turned

The original insight that the "personal is political" was truly radical in that it went to the root (radical means going to the roots) of social existence, our own individual lives. So great was the contradiction between the myth of social happiness, and the misery found in most people's lives once they looked, that it energized the various social movements from the '60s on. The slogan originally meant that there is a social context to our personal lives, and that a serious examination of who we are would lead us to understand the political context within which we lived. But its subversive impact has been smothered by reducing the political to the personal, as though nothing mattered politically except for one's personal life and a few close friends.

been — to not stand by while others were being abused.

There is much that we've learned over the past few years about abuse and healing that have political implications, particularly for prisoners since surely prison is nothing if not a system of institutionalized abuse. I will take this theme up more fully another day. But for now, I will say that as we became more aware of issues around abuse, it made sense to discover that at least half of the activists we knew were sexually and/or physical abused as children. We had lived the lies and hypocrisy of the family, religion and society. Our opposition to all three was not merely some intellectual construct, nor mere political fashion but was born of bitter

experience. I did not need the suffering of others — women, Native people, Afrikans, prisoners or whoever — to motivate me politically. I had resisted long before I even knew there was a struggle. Like many of my prisoner-friends surviving long years of isolation and brutality, something within me refused to be broken.

I was in total mental and emotional anguish until well into my twenties, but for whatever unknown reasons, I was able to focus my rage on the corporate-state, and its bullies and bosses. Political activity became a means of eventual resolution. Slowly, but surely, I connected with other misfits,

malcontents and losers. The counter culture gave us a certain space to be ourselves. We might still be totally alienated from society, barely able to function day-to-day, heavy drug use helping to keep the pain at bay, yet we were no longer alone. And we would fight back.

In a psychologized society such as ours, political activity will often be shaped by unresolved personal problems. We are driven by our demons. But working through these problems need not mean the end of the political activism that was energized by the inner conflicts. It should, in fact, mean that we target the

enemy ever more precisely. The abuse must stop! We can stop being abusive. We can resist the abuse we're suffering. But abuse is not simply due to personal failure or the lack of appropriate therapy or bad genes but totally integral to a homophobic society that uses class, race and sex to determine who gets what. This is where political will comes in. As long as abuse continues, then we must fight against it even if, or especially if, our own pain and suffering has been eased. ∞

Jim Campbell

## Postscript

I have used Bulldozer as a personal identification in the past, and the article above reflects my personal history and opinions, and have played the main editorial role since the beginning. But Bulldozer can't simply be reduced to me personally. There are several people who currently help shape *Prison News Service* and their efforts are much appreciated. I do want to acknowledge some of the others who have made significant contributions to Bulldozer in the past.

Sunday Harrison has been around Bulldozer more or less since the beginning, especially including the raid and its aftermath. Her technical skills and creativity have helped give *PNS* a much more professional look than it would otherwise have had. We have very much developed our ideas together — even if on any particular detail we are as apt to disagree as agree.

Bill Dunne, the editor and main writer for the now defunct *The Marionette* also was a major influence on my thinking. Our years of exchanging letters certainly tightened up many of my arguments. Without him, it is unlikely that *PNS* would exist.

After the raid in 1983, our support came from our Native comrades and from women working at a Lesbian print shop. Though I barely knew most of these women, they immediately came through with crucial assistance. It is many years later, but I don't forget those who were there when help was needed. The lesbian community has also done the basic work on understanding sexual abuse and how it affects those who survive it. I would not have been able to write the above if it were not for the personal support and political stimulation and information that came from lesbian friends. We are interested in connecting with anyone else who is working to integrate survivor issues with a radical political analysis.

Jim C.

# no more lies



our backs on the alternative movements. The fundamental oppression and super-exploitation of, and violence towards, women remains. And mainstream culture is a death culture, not much wonder that so many young people, working class and middle class, try to find some life outside of it in one movement or another. Going way back into the early '70s where we were more political

**This self-awareness became a vulnerability as self-help, New Age therapies — often looted from Native societies in a continuation of the kolonial kleptomania that has characterized white society — were used to help women (and men) to fit into the existing system ... The necessary struggle to feel good about oneself — self-esteem — allowed for an acceptance of class and racial privilege.**

Yet it remains that coming to understand who we are is a necessary first step towards participating in an authentic liberatory process. Part of the impact of *PNS* itself is because it speaks directly to prisoners' lived-experience, rather than simply offering an intellectual explanation of political reality. The paper helps those who are struggling to know themselves in spite of living in a cage feel strong — and that's a victory. Coming from what could be called a "secular spirituality", we share with traditional Natives, New Afrikans and Muslims amongst others, the sense that an individual's life is a "struggle" in and off itself; that it is our task as humans to unravel the mysteries of our own existence, to determine the truth within it, and to find the proper direction. Politics come back into it since any honest examination should lead to a clear understanding that this society is based on a complex blend of race, class and sex. Many whites, and others as well, unfortunately back off from these political implications.

The critical importance of understanding the connections between politics and one's personal experience became much more vivid for me when I "remembered" five years ago that I had been subjected to severe and frequent sexual abuse as a child. Suddenly my own life made a lot more sense to me. I had discovered the key to my private mythology. The rage which I had learned to channel into my political work became understandable. It made sense to me why I was drawn by the plight of the prisoner. I had spent much of my younger days isolated, brutalized, surrounded by those much more powerful than I who were out to do me harm, used by bigger and stronger boys. An image that had haunted me for years of a prisoner, beaten down, forlorn and forgotten, huddled in a corner of a cell, had come straight from my own life, figuratively if not literally. I had been driven by a vow — as unconscious as it must have



And now? I despair often. What are our lives, our love and our communities when weighed against the banalities of daily-life and the outrages perpetrated daily by the powers that be. But the politics of the coming holocaust and the seductive lure of the guerilla option notwithstanding, we must add our blows to those already raining down upon this most 'ancien' of all regimes. I await the day when all shall arise shouting! "We've had enough! Let us begin our re-creation". \*

Dis-ease 17

From a 1978 pamphlet produced by Jim and friends

than the rest of the hippies, and more hippy-like than the other politicians, we've tried to develop what could be termed the political wing of the alternative movements. Through time, our politics changed thanks to people such as Kuwasi Balagoon and the local Leonard Peltier Defense Group — with whom we went through some real hard times from '83 to '85 — as we struggled to come to terms with the colonialism, genocide and slavery upon which North American society is based. I will take up this topic in some other article, but I wish to return to the politics of the alternative movements.



# On Transformation

"It's not a question of the lumpen being 'good' or 'bad.' Many lumpen fighters, as everyone knows, played a militant role in the Revolutionary Movements. But to falsely glorify the class as such is to undermine the necessary understanding that the revolution requires lumpen to transform themselves, to become proletarian. No lumpen can successfully serve their people without committing class suicide." (False Nationalism!, False Internationalism!)

i was captured in September of 19 ADM<sup>1</sup> (1984) by local soldier-cops in L.A., along with one representative of the California Youth Authority Parole Office. The residence i was staying in, along with my companion and four year-old daughter, was overrun in a pre-dawn raid by the above mentioned soldiers.

housed in the county jail, in a 100% criminal population, among other street combatants, who like myself, were awaiting trial, or ready to be shipped off to one of the many kamps upstate. Although i had been chosen by the most advanced group of street combatants to join an organization that was founded in prison to collectivize and educate, to some extent, those combatants who had the greatest potential for conversion, i was not made aware of the psychology of colonialism or criminality. Therefore, that organization, the Consolidated Crip Organization (CCO), was nothing more than a collective of criminally minded colonial subjects.

Conversion was preferred to transformation, because conversion, in this arena,

something sharp" on Comrade Brother George Jackson's birthday (September 23), myself and two other New Afrikans were given 28 months in the Security Housing Unit (SHU) and sent to San Quentin from Soledad. While my studies intensified at San Quentin, i was still unable to pull myself up another level in consciousness. Even after months of consuming Fanon, Mao, Cabral, and Nkrumah, i was not conscious. i was socially aware, but i was not conscious, and there is a significant difference. To give an example of the difference between social awareness and consciousness, i'll use the entire Congressional Black Caucus (CBC). Collectively, they have probably read over one thousand books, and 5,000 newspapers in their adult lives. They know what is going on in neo-colonies such as Jamaica, Haiti, Brazil, the Dominican Republic, and New Afrika, but they are excluded from consciousness by their colonial mentalities.

As socially aware folks they believe that New Afrika's freedom can be found in the clutches of Amerika. So in this way it is not hard to see the dangers of a colonial mentality cloaked in social awareness, passed off as consciousness.

This is precisely where We were as a collective in 21 ADM (1986). i could have told you anything about the Long March in China; the Revolution in Cuba, Zimbabwe or

Angola, but when it came to articulating New Afrika's existence, evolution, and how We related to the colonial experience, i was lost. Consciousness begins with self; with one's overstanding of her/his relation to the particular oppression binding their self-determination. Overstanding that the blockage between social awareness and consciousness is a colonial mentality takes some diligence in study. We never thought about transforming Our colonial mentalities because We never overstood that We were colonized. This is the crucial point of contention, because we got trapped in what i'll call the "Angry Blackman Stage" of social awareness. We were led to believe, from what We were reading, that We were simply "slaves," that at the height of Our subjugation, which amounted to 10 million in the late 1600's, We were nothing more than a fragmented entanglement of individual slaves. We had no concept of Nation formation, and therefore We followed suit with the popular misconceptions regarding Our National Reality. We thought that "Nations" were biologically set entities that were immovable. We failed to apply this illogical thinking to the U.S. settler state, probably because Our colonial mentalities prevented us from even going there.

We used terms like "slave mentality" to denote those New Afrikans who worked in any capacity for the amerikans, as well as those who refused to participate in the nasty "race wars" going on here in California's kamp system. But We were trying to articulate what We had been learning from an old-line perspective. Our position was Afrika for the Afrikans, Europe for Europeans, Mexico for the Mexicans, etc. We had a very unclear overstanding of capitalism, colonialism, and neo-colonialism. For a long time We were confused. Of course, We had Comrade-Brother George's material to enlighten us, but as We grew in

New Afrikan consciousness, We found that the Comrade's theories were basically inapplicable to Our situation. "Comrade George was a Communist, but he was not a New Afrikan Communist",<sup>2</sup> and the difference is far and wide apart.

i did not begin to transform until 23 ADM (1987). The transformation was from a colonial mind to being revolutionary and socially aware to national consciousness; from Communist to New Afrikan Communist. There was no more ambiguity about where my allegiance lay. While i overstood clearly that i was a descendant from Afrika — West Afrika in particular — i also recognized that from many Afrikan nations captured and transported to North Amerika, came one socially evolved New Afrikan Nation. i had no problem overstanding that individuals can be slaves, but that Nations are colonized. i used to have the whole Black and white trip: the former was all good, and the latter was all bad, evil, racist, etc. But with New Afrikan Consciousness i had no problem whatsoever recognizing Nelson Mandela as an Uncle Tom and a traitor, and Marilyn Buck, Butch Lee, and Susan Rosenberg as righteous comrades and supporters of New Afrikan Independence and Self Determination.<sup>3</sup>

There is a world of difference between being socially aware and politically conscious, and We, those who strive for an end to neo-colonial subjugation and capitalism, must struggle daily to raise the peoples' overstanding of this and bring them into the conscious fold. Social awareness, while being a definite stage of political developing, is certainly no area to be stuck in, thinking from there one could launch an organization and then a popular revolutionary struggle. While social awareness is necessary it is not sufficient enough to sustain any protracted struggle. In a recent communique from a comrad on this particular issue, the comrad had this to say:

"The main thing We are supposed to be doing is changing Ourselves. Grab hold of this: change yourself, first, because everything else will stand or fall according to how well and how you do this! We talk about revolution and organizations and movement and all kinds of issues and needs - but nothing else matters unless and until We first change Ourselves. When We say "Re-Build" that applies, first, to each of us!! "Re-Build; comrade" means re-build yourself. We apply it, so to speak, to things/people outside Ourselves in ever-wider circles, e.g. Ourselves, Our families, Our friends, Our supporters and sympathizers, Our communities, the whole people. This is how We make the most basic and fundamental definition of "Re-Build." This is what We emphasize in Our work and by our work. When people ask us what We're about, We say "We're about Re-Building...."

The necessary transformation in consciousness requires the inescapable class suicide of the lumpen, and the re-building of a consciousness capable of overstanding that with self everything begins, and moves outward in a methodical spiral of social relations centered continually on the struggle to acquire, utilize, and retain state power. Which is to say that, We need to acquire land, utilize Our productive forces to build a National infrastructure and retain these to bring into existence the Socialist Republic of New Afrika, With the strength of Our unity and the spirit of Our Ancestors, We shall fight and win! ∞

## Re-Build!

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## Notes

1. ADM - years After the Death of Malcolm X
2. Study Notes on Secure Communication: So That We Don't Fool Ourselves Again
3. Marilyn Buck, Butch Lee, and Susan Rosenberg are North American Anti-imperialists who are long time supporters of the New Afrikan Independence Movement.



Needless to say, We were treated very roughly by the invading unit. Luckily our daughter was spending the night elsewhere when Our door was kicked down and the small space We called the living room was flooded with vile amerikans, guns drawn, shouts pronounced. Both Tamu, my companion, and i were handcuffed and made to sit at gun point on the couch, while the apartment We rented was torn to pieces. Once they found a weapon they became more fanatically obsessed with searching. Upon finding nothing else, Tamu was let out of her mechanical restraints and i was marched out of the apartment and led roughly to personnel carrier (pig car). i was charged with Assault With A Deadly Weapon, Mayhem and Weapons Possession. i was a criminal, not because the invading soldiers had captured me for running afoul of the colonial law, or even for being in possession of a weapon. i was a criminal because i thought like a criminal, i carried on in an exclusively criminal mode. As a street organization ("gang") member, my preoccupying thoughts were totally predatory, and socially self destructive. My predatory behavior and socially self-destructive activity were confined by the criminal, as well as, colonial mentality, to a strict horizontal circumference. Which, of course, is one of the single most costly detriments of both the criminal and colonial mentalities. But let me not get ahead of myself here, because i want to unfold this piece by piece so as to illuminate some areas that i feel We usually take for granted.

i was sent to the county holding facility to await trial on the shootings, which stemmed from a gunfight between myself and some opposing street combatants, three of whom had been wounded during the battle. Once i had been thru a few kourt proceedings, i plead guilty to the charges, and was given seven years in prison. i was

meant one changing from a mere street combatant, whose primary allegiance was to his particular set, to a collective-minded representative of CCO, which mandated that one read and be bound by a constitution. Conversion was an ostensible variation that was actually non-threatening to anyone outside of the same social circumference that Our criminal/colonial mentalities bound us to before capture. Which is to say that Our energies, in spite of rhetorical clambering, were spent in horizontal exchanges with other groups in Our same social caste. Transformation, on the other hand, was never considered because it was an extreme which threatened the absurdity of CCO's paradoxical platform. One was encouraged to read/study revolutionary material, but only in conformity with the organization's ideals, which were inextricably bound by the glass ceiling cage of criminal/colonial myopia. We were a doomed collective from the outset; however, i do believe that the founders of CCO had good intentions, but were simply ignorant of the pervasive psychology of both colonialism and criminality.

We carried on in Our ignorance from one kamp to the next, conducting Our liaisons over open lines, thinking that We were of no importance to the probing eyes of the state. What We failed to overstand was that We were the greatest threat to the kamp system because, unlike the other organizations which were begun there in prison, and thus had to recruit their soldiers from that well, We were Crips from the street and had waves of reserves. Of course, Our shortsightedness prevented any such overstanding, and as a result of this, our ranks remained relatively small. The things overstandable now in an advanced state of revolutionary consciousness, regarding Our activity then, are quite astounding.

In an incident where a pig "fell on



# The Black Revolutionary and International Law

George Jackson wrote that the revolutionary was an outlaw, and that the Black revolutionary was a doomed man. And yet ignorance prevails, enabling so few of us to grasp the full significance of what he said. Language befuddles. Shaka Shakur pointed this out well in his article "Racism vs KKKolonialism", printed in *The Blast*.

Amerikkka is not a nation any more than was Rome. It is an empire, a state that extends its beastly grip to weaker and less suspecting nations, one that plants small (and sometimes large) kkkolonies of settlers who more often than not become part of the empire's administration in those parts. The u.s. is a product of british imperialism; the kkkolony that broke from its "mother" kkkountry to proclaim its growth into maturity, i.e., it began to harbor imperialist dreams of its own (e.g., "manifest destiny"). Hence, today We can witness the punishment meted out to Cuba for being recalcitrant, for being revolutionary and expelling the united snakes and its lackeys; We have observed the invasions of the u.s. into the Caribbean and other areas of Central and South America; and We can firsthand experience the kkkolonization of ourselves (the New Afrikan Nation!), of Puerto Rico, of the indigenous peoples of North Amerika. As well, We recall how the u.s. wanted to emigrate the "free" New Afrikans to various areas of the globe and to set them up as kkkolonies, so as to be able to effectively kkkontrol those who were enslaved in the Black Belt – remember Liberia, whose capital, Monrovia, was named after u.s. president James Monroe?

So We have the u.s. empire. The New Afrikan Nation is an internal kkkolony of the u.s., a neo-kkkolony that is kkkontrolled from without via neo-negro marionettes. The contradictions of its (i.e. the u.s.) economic, social and political systems are becoming more sharp, more perceptive, more excessive. The results are increasing poverty, hunger, homelessness, sickness, un- and under-employment, mis- and under-education, etc., etc., which themselves cause the kkkolonized and oppressed to respond in a manner that, for now, is non-revolutionary. And, as Ward Churchill reports in *Cages of Steel*, "the government's forecast for the short run future shows worsening socio-economic conditions for people of color – and probably appreciable segments of the euroamerikan population as well – generating vastly increased numbers of social prisoners. This in turn is expected to produce a rapid sharpening of political struggle which will fill new [prison] facilities designed both for the politically conscious, and those deemed most likely to become so."

On the one hand, kkkoncentration kkkamps are the fastest growing industry in the u.s. today; on the other, its proliferation will prove (and is proving!) to be the most efficient galvanizer of popular resistance. Acts have been carried out, are being carried out, and will continue to be carried out against the massive repression of the kkkolonized and oppressed. But whether We (including you!) are prepared to act, to resist, will depend on the level of overstanding We register of our social reality.

Any person not interested in a definition, analysis and deeper understanding of worldwide white supremacy must have an interest (conscious or unconscious) in maintaining the same. (Dr. Frances Cress-Welsing, 1990)

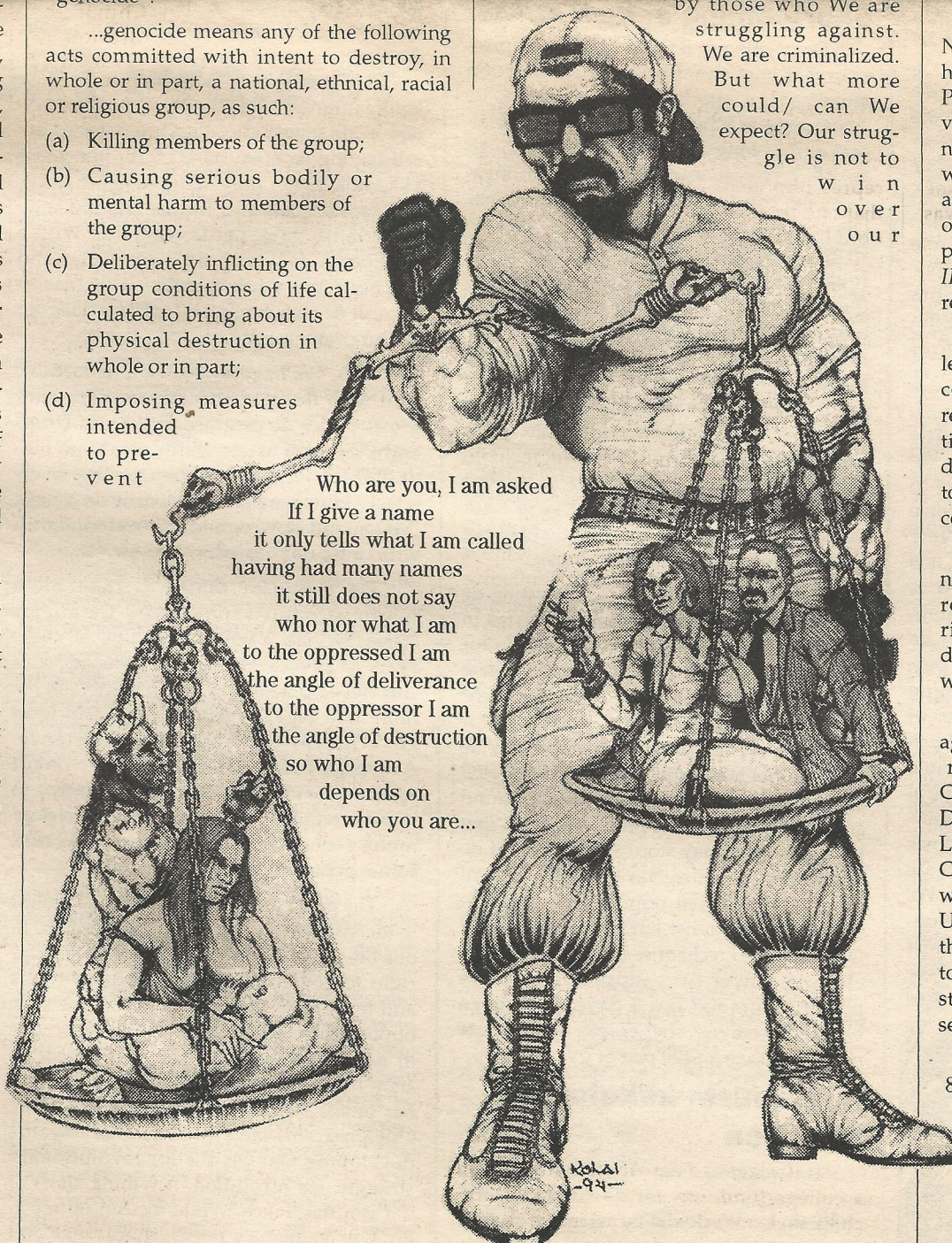
There are many New Afrikans who languish in these kkkamps, many who are *not* here because they committed "common crimes," but who have consciously made efforts towards the Liberation of Afrikan People in amerikkka. These persons are most definitely Political Prisoners and Prisoners of War (PPs/POWs), though

the u.s. doesn't give legal recognition to them as being such; no, their acts are instead criminalized. These persons are held kkkaptive and systematically abused due to the efforts to Liberate a people. Among these PPs/POWs are: Mumia Abu Jamal, Sundiata Acoli, Geronimo ji-Jaga, Dr. Mutulu Shakur, Jalil Muntaquin, Sekou Odinga, et al. Also, the u.s. refuses to recognize the political nature of acts charged to certain Puerto Ricans, Native Nations, and other anti-imperialist individuals/collectives. But this denial of legal recognition is not without reason.

There are international standards for assessing the distinction between a political act and a common crime. But the united snakes judiciary refuses to apply the standard test for making such an assessment. However, this is not unusual. The u.s. took 40 years before signing its name to the *Convention on the Prevention and Punishment on the Crime of Genocide*, passed in the United Nations (UN) in 1946. The u.s. didn't sign it until 1986, becoming the 97th signatory, and then only after it had paid out a small token of reparations to the Chippewas of Wisconsin (\$30 million), Klamath of Oregon (\$81 million), Seminoles of Florida (\$12+ mil), Sioux of South Dakota (\$105 mil and 1 million acres of land, with their lawyers getting a fee of \$10.5 mil), Ottawas of Michigan (\$32 mil). As well, it obviously had plans to pay reparations to others, for the Japanese who were interned during WWII and the Pribilof Aleuts were given reparations in 1988. Everybody getting reparations except us – except New Afrikans. But why? It is clear that New Afrikans fit the definition of a people who suffer from genocide. Article Two of the Genocide Convention gives its definition of "genocide":

...genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent



births within the group;

- (e) Forcibly transferring children of the group to another group.

Without having to expound further, We think that any New Afrikan can agree that We fit the standard of a people who are under attack! But when We respond to the war! that is being waged against us, when We move to assert our humanity and our rights as human beings – ("All peoples have the right of self-determination." *International Covenant on Civil and Political Rights*, Pt. 1, Art. 1) – our acts are criminalized! It is wrong ("illegal") for anyone, including whites, to rebel against the constituted government, but for a Black person to do so is doubly wrong. The reason for this is that Black People were accorded a special place (at the bottom!) in the world of white supremacy, a place that We are forbidden to leave, and – by any means necessary – are forced to stay!

Many euroamerikkans are poor, are exploited, are oppressed. True; but, usually, when they resist oppression it is for reform only. They seek to be included in the great american enterprise. (With notable exception: the "Civil Rights" movement.) It is different when New Afrikans begin to resist, for when We do it is to break-up the empire. We struggle for de-kkkolonization, for independence and self-determination. And this is too much for the white supremacist ruling kkklass to bear. New Afrikans want the southeast region of the empire; the Puerto Ricans want the independence of their nation; the indigenous people to the western hemisphere want back what is theirs – their land, rights, and – more importantly – humanity!

So the political struggle waged by New Afrikans goes unrecognized by those who We are struggling against.

We are criminalized. But what more could/ can We expect? Our struggle is not to win over our

oppressors to our point of view (though We wish to make them submit to it), but to convince the majority of those peoples who are still possessed with humanity that We are waging a legitimate battle – a war! – for our Liberation. International Law ("the law of nations") recognizes our right to fight for our Liberation; and what We must do is win over the majority of the world's people – and our own! – that the "law" is in support of what We do. So, for the u.s. to give legal recognition to those of us who have consciously engaged in struggle for National Liberation – and for those of us who shall come into political consciousness and commence to wage political struggle ourselves – is to *admit* that New Afrikans are kkkapitives of the amerikkkan empire. And to admit and to concede its own criminality, to its own international misconduct, to the war kkkrimines committed against Afrikan People by kidnapping, enslaving, murdering, raping, robbing, and kkkolonizing us.

Many of us will come into our individual political and National consciousness while We are held in the numerous kkkoncentration kkkamps that are proliferating throughout this empire. Many will be moved to take action, both overtly and covertly, against the numerous acts of aggression, injustice, etc., within these kkkamps. Our motives are not predicated on "criminal" intent, but We can be confident in our oppressors dubbing our actions as such. We will not be accorded the status of PPs/POWs, for none will give recognition to the political implications except those who overstand the stark political contradictions. So, our primary job is to first educate the masses, both kkkaptive and kkkolonized, about the dynamics of oppression. However, if We are further stigmatized and alienated among our own people – among New Afrikans – then it is because We have failed to successfully educate them about the politics of Liberation. If We remain outlaws among New Afrikans, then among whom can We receive refuge or sanctuary or assistance or solidarity?

Let us struggle to educate the masses of New Afrikans to the overstanding that We have among us Political Prisoners and Prisoners of War. If they prove to be unconvinced, even after attempting to explain the nature of the conflict that We are engaged in with amerikkka – and don't want to acknowledge the conflict, due to skepticism or a want for further information – then please refer them to Resolution 3103 (XXVI-II), *United Nations General Assembly*, which reads:

The following basic principles of the legal status of combatants struggling against colonial and alien domination and racist regimes without prejudice to their elaboration in future within the framework of the development of international law applying to the protection of human rights in armed conflicts.

1. The struggle of people under colonial and alien domination and racist regimes for the implementation of these rights to self-determination and independence is legitimate and in full accordance with the principles of international law.

2. Any attempt to suppress the struggle against colonial and alien domination and racist regimes is incompatible with the Charter of the United Nations, the Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration of Granting Independence to Colonial Countries and Peoples and constitutes a threat to international peace and security.

(Adopted on Dec. 12, 1972 by a vote of 83 in favor, 13 against and 19 abstentions).

Kwasi A. Bailey 199320  
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# De struggle for clarity and unity

i would like to comment on de position taken in de article/proposal "The New Afrikan Community Anti-Drug Initiative" by Abdul Shakur in PNS #47 regarding drugs and confiscated assets.

Despite how seductively appealing de proposal appear on de surface, beneath de surface de position subscribed to is wrought and infested with political minefields and dangers. Keepin in mind dat de brotha Abdul listed de proposal as a preamble and possible blueprint and it was still in its infancy stage of development, even so, We must still wage struggle with it.

Afrikan market dat de imperialist has monopolized? The cheap labor force and surplus labor dat the state continues to bloodsuck and exploit? De goal of de New Afrikan Independence movement (N.A.I.M.) as i understand it is to struggle for land and socialism. To struggle to seize state power while re-building Our movement, i.e. preparing Our people for *Vita Wa WATU*. With dat in mind one realizes dat a significant blow cannot be delivered to de drug economy until We radically change/alter de relationship to de imperialist state dat is de origin of de drug epidemic in Our communities.



Understandin de tactic of seizin upon

Understandin de tactic of seizin upon particular realities and contradictions in an attempt to deepen other contradictions between colonized and colonizer, de attempt to use such struggle to politicize and mobilize Our people. We still have to deal with de dialectic of appearance and actuality. We have to also be consistent in Our politics as it regards our collective position and relationship to de state and de role of de kolonial forces in Our communities. The theory behind de politics in brotha Abdul's article is inconsistent and sometimes even contradictory to de goal of national independence, seizin state power and land.

If We recognize de real role of de state kolonial forces, security forces, then We know dat they are in Our communities to occupy them, to help maintain and enforce de kolonial relationship between New Afrikans and de settler state. Therefore, it is not a matter of failing to curtail de flow of drugs within their border or Our communities. They are there to help maintain de drug economy in Our community, to protect de drug economy despite its seeming opposition. De kkkonstitutional liberties of which one speaks — We have none. Such laws are only a mirage designed to promote and propagate de legitimacy of a parasitical bourgeois state, for de appearance of bourgeois democracy. Dis is not to say at times We cannot exploit de fact dat such laws are on the books, but in de same respect We cannot damn fool Ourselves. As revolutionaries, and dialectical materialists, We must always struggle for clarity and unity. We cannot send mixed messages to de masses thereby creating ideological confusion. We cannot say in one breath dat de state is responsible for all Our social ills and den in de same breath expect de state to help finance Our attempt to build dual political power in Our community.

The legal extortion dat one mentions is merely a by-product of de imperialist domination. What about de captured New

kolonial kkkourt system? Thereby askin de state to work for Us through its kkkourts. By de community determining how much restitution and then dependin on de state to impose it and enforce it not only fosters continued dependency upon de state but gives rise to a neo-kolonial relationship. What if de alleged drug dealer don't or can't pay restitution? What would be de next step? This is why dis proposal is so dangerous. At what point does de state no longer get involved or stay involved? Dis particular stance being advocated is similar to de Nation of Islam dopest program of disarming and arresting drug dealers and then turning them over to de state and justifying such by sayin in prison they have time to transform themselves. While some features of de program such as policing de community to counter drugs and reactionary violence is proactive, a good thing, de collaboration with de state is a neo-thing. At what point do We take responsibility for building a national prison support structure where de support for/of kaptured New Afrikan citizens' outside family, children will be one of its objectives? Dats a part of re-building and utilizing Our own creativity, people and resources to build such by applying Our political line. Not dependin on de state.

When We tell de masses dat de state forces is de enemy and dat

they are responsible for de ills in Our community and We advocate self-reliance, self-determination and then they see Us developin workin relationships with de state kolonial forces, with de state's judicial system — de same judicial system dat they are railroading so many of Us with into these kkkamps, it can only serve to confuse Us, distort our goals and further legitimize de imperialist state. Let Us come up with a method to deal with de drug dealer and his/her assets while mobilizing de masses to push de state forces and all its lackies out of Our community.

Plus, We have to ask how would we deal with de state attackin revolutionary forces under de disguise of War on Drugs and they seize assets which would go into de B.C.T.F. What would be Our line on de attack? How would one reconcile de contradiction and how would it be summed up with or for de people?

De proposal tends to take on a reformist politics/objectives. De author states "he find it quite ironic after all these years of advocatin financial independence and development, We still have to ask (or more like beg) the federal, state and local government for financial assistance. Acceptin funds from the government would provide them with an incentive to impede regulations to impose the development process of Our communities and future generations.

Dis is in part what i mean by de author is inconsistent in his theory and politic. In one breath he say We should not forfeit Our right to government assistance and funds and in de same breath We should use such opportunities to establish Our own source of income etc. It is not de government or state's objective to develop Our communities unless they plan on moving settlers in. Our programs have to be geared towards developing Our people for revolutionary struggle, for revolution. Anything short of dat is a hindrance. While focusin on meetin Our immediate needs, short range and

long range goals, We have to establish foundations of depending on self, developin the means to sustain such programs by depending on self. We are Our own liberation. We ain't repeating de 60's of depending on folks other than Ourselves and Our communities.

De rebellion referred to in de article and all like rebellions should be designed to a) further politicize Our people, and b) prepare Our people to take Our struggle to higher levels. Not just to get de attention of de state so dat they can come in with a lot of reformist and neo-kolonial programs to distract, subvert and co-opt Us.

While i agree with de author's desire to sharpen de contradictions around the state's seizure of assets from the community under de guise of de War on Drugs, i think a little more effort has to be given towards developin a revolutionary response and approach.

Lastly de author specifically focused on Black drug dealers in New Afrikan communities and targeted them for restitution etc. How will de contradiction of Latinos, europeans, etc. etc. dats in de hood selling dope and may or may not use New Afrikans as pawns? How do We reconcile dat? How do We address dat particular interrelationship of de drug economy when pushing a program like de B.C.T.F as structured?

Re-Build!

Shaka Shakur #28443

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## Shortcoming of de B.C.T.F. Shortcoming of de B.C.T.F.

De position of B.C.T.F. gives de impression dat it is sanctioning enemy troop movement i.e. attacks and invasions into de community as long as it targets "drug dealers" and as long as de community through de B.C.T.F. receives de fruits of such invasions i.e. confiscated proceeds and assets. Dis contradicts de stance dat de "War on Drugs" is in fact a war on Our community. It also sets de stage for a neo-kkkolonial (new) workin relationship under guise of returning confiscated assets back to de community. In one breath We say We want de kolonial forces out of Our community and dat if they weren't there We could resolve Our own drug problem and then in de same breath we cultivate a workin relationship which is almost tantamount to de PLO workin with Israeli security forces to track down Hamas "terrorists" so dat de PLO can receive imperialist promised funds.

In essence de B.C.T.F. is advocating de development of revolutionary programs in Our community to meet de needs of Our people. Yet do We depend upon de state funds, grants and so forth to pay for such? Is dis not just anotha way of having Our organizations and programs co-opted by de state and its foundations, corporations etc.? Sayin de state was to support such a fund and return assets, fund programs etc. What happens when they stop? At what point do We depend on Ourselves to fund Our own programs? At what point do We struggle with de kkkapitalist eurocentric values of Our people to rechannel some of their purchasing power into supporting people power programs? Dat a daycare center, a battered womyns' shelter, etc. etc. is more important than a \$120 pair of gym shoes.

## Legitimizin kkkolonial injustice

It is suggested dat We want to establish a college fund, etc. for de "drug dealer" children. Do We do dat by askin dat de state impose a sanction of restitution thru its

**Send us  
money,  
articles,  
graphics, letters,  
magazines,  
prayers,  
or,  
if like us  
you don't use  
prayer,  
send us  
your most  
subversive  
thoughts**

**Donations are  
needed to help us  
pay for  
a new computer,  
building  
a new office,  
expanding to 24  
pages (we wish)  
and many  
new prisoners  
subs  
Write:  
Prison News  
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Box 5052, Stn A  
Toronto, Ont  
Canada M5W 1W4**



## Review by Kuwasi Balagoon

# Settlers — the story of the white nation

The following review of *Settlers*, the mythology of the white proletariat was written by Kuwasi Balagoon, an anarchist member of the Black Liberation Army. This article was written in the mid '80s, a couple of years before his untimely death in prison. We are running it out of respect for Balagoon who sent it to the old *Bulldozer* magazine, but we were not publishing at the time, and because we believe *Settlers* is a crucially important book.

Great works, measure up, inspire higher standards of intellectual and moral honesty, and when appreciated for what they are, serve as a guide for those among us who intend a transformation of reality. *Settlers*, the mythology of the white proletariat caused quite a stir in the anti-imperialist white left and among nationalists of the Third World Nations within the confines of the U.S. empire as well as anarchists and Moslems of this hemisphere. In short, among all of us who are ready and willing to smash or dismantle the empire, for whatever reasons, and whatever reasoning. This is in spite of the fact that it is a marxist work, because it isn't out of the stale, sterile, static, mechanical mode of the vulgar saprap that has carried that label.

Its historical recounting of the sequence of horrors perpetrated against non-white people, from the beginning of Babylon, to the recent past has not been discounted, publicly to my knowledge by anyone, including the cheap shot artist who offered an underhanded review of it, in the *Fifth Estate*, called "the continuing appeal of nationalism." *Mythology...* should serve as a reminder, to anyone who needs one, of the genocidal tendencies of the empire, the traitorous interplay between settler Capitalist, settler non-descript and colonial flunkies. The flaws and short-comings of the IWW which marked the highest point of revolutionary conscientiousness among whites here and the fraud carried on by the CPUSA, and assorted other persistent offenders of common sense and common decency. To my amazement a couple of white anti-imperialists I know had started the book without finishing, complaining that it was old hat, but I've heard nothing particularly new from them and I suggest that they take special note of detail, and I'll remind them that this work is so accurate as to be able to serve as files on people who will say anything to support a position that doesn't support real action.

Not being one to take figures verbatim

### Settlers: Mythology of the White Proletariat

J. Sakai, Morning Star Press, 178 pages, \$8.95, \$4.00 for prisoners. Available from Cooperative Distribution Services.

Box 77452  
National Capitol Station  
Washington, DC 20013

without cross-checking and believing that class struggle or war within the white oppressor nation would be a pre-requisite for complete victory of the captive, New African, Mexicano, Native and Puerto Rican Nations, I decided to cross-check with the most authoritative work available to me and perhaps anyone: *The Rich and the Super Rich* by Ferdinand Lundberg. This was necessary I felt in order to get a clear picture of the material conditions of white folks. This

in order to investigate white Americans interest in revolution. Professor Lundberg used two graphs to illustrate his point that "Most Americans — citizens of the wealthiest, most powerful and most ideal-swathed country in the world — by a very

wide margin own nothing more than their twin household goods, a few glittering gadgets such as automobiles and television sets (usually purchased on installment plan, many at second hand, and the clothes on their backs. A horde if not a majority of Americans live in shacks, cabins, hovels, shanties, hand-me-down victorian eyesores, rickety tenements and flakey apartment buildings..."

The second and third tables help us to make things out a bit clearer; it shows that twenty-five point eight of households had less than a thousand dollars to their collective names and the third showing us that twenty eight percent of all consumer units had a net under or less than \$100. With eleven percent with a deficit and five percent holding at zero, a total of sixteen percent. This goes on to show that thirty-five percent of all households had a net worth of less than \$5000. Is this affluence?"

It certainly looks like a good case for classic class struggle, with the evidence that Lundberg gives us. Sakai warns us, however, "most typically, the revisionist lump together the U.S. oppressor nation with the various Third World oppressed nations and national minorities as one society."

In this light, the figures check out, New African income which today averages 56% of white income and stood at about the same or less in 1953 makes up a disproportion of the deficit, zero, under a thousand and under five thousand dollar consumer units. Definitely more than 10% of them, which was our percentage of the population. If we could make a sensible judgment, we'd have to say that the combined captive nations: New African, Mexicano, Puerto Rican and Native, or about one sixth of the population as of 1981 all make up a disproportionate amount of the consumer units with deficits, and below five thousand dollars. This forms a cushion for the white population.

Sakai points out that, "the medium Euro-American family income in 1981 was \$23,517, and "that between 1960 and 1979 the percentage of settlers families earning over \$25,000. per year (in constant 1979 dollars) doubled, making up 40% of the settler population. "We may have had a general idea from neighborhood walks, but Sakai gives us an idea of the extent."

This extent, and the "conspicuous concentration of State services — parks, garbage collections, swimming pools, better schools, medical facilities and so on" and the fact that "to the settlers garrison goes the first pick of whatever is available — homes, jobs, schools, food, health care, gov-

ernmental services and so on." Not to mention racism within settlers, puts to rest an idea of a multi-racial class struggle that includes whites.

"Nation is the dominant factor, modifying class relations." Lundberg who overlooked the National factor in the economic tables he based his argument on, notes that, "in the rare cases where policy is uppermost in the mind of the electorate it is usually a destructive policy, as toward Negroes in the south and elsewhere. Policies promising to be injurious to minority groups such as Negroes, Catholics, foreigners, Jews, Mexicans, Chinese, Intellectuals and in fact, all deviants from fixed philistinish norms, usually attract a larger-than-usual supporting vote," or mandate if you will.

"Approximately 10% of the European American population has been living in poverty by government statistics. This minority is not a cohesive, proletarian stratum, but a miscellaneous fringe of the unlucky and the outcast: older workers trapped by fading industries, retired poor, physically and emotionally disabled and such families supported by single women."

How many of this group of whites will side with the revolution, how many whites will come to view their interests with the long term interest of those of us who prefer to live on a living planet and how many will fail to equate their quality of life with 50,000,000,000 hamburgers is anyone's guess. However its a small wonder why white anti-imperialist have been giving me blank stares whenever I've mention class struggle to them.

The left in this country is very small, by whatever way you might want to look at it.

form. Leaders who beget other leaders like Mayor Goode?

Where I differ with Sakai is the assertion that "building mass institutions and movements of a specific national character under the leadership of a Communist party are absolute necessities for the oppressed. What Communist party is he talking about? I feel that we must build revolutionary institutions that buttress on survival through collectives, which in turn should form federations. Grassroot collective building can begin immediately.

In an epoch where New African nationalists and Marxists have voluntarily taken the defensive, without even a fraction or a blue print of a party or consistent practices in the colony, its incredible that people outside the ranks and currents of those who believe in magic words aren't encouraged to collectively take matters in their own hands, to build the collective institutions and superstructure of a super-seeding society. We must begin where we are, with each other and the time we don't waste.

I think that the building of revolutionary collectives and forming of federations of collectives is the most practical and righteously rewarding process of preserving and enhancing life and developing the character of all nations. We can change ourselves and the world. ∞

Kuwasi Balagoon

Notes

1 Police, bombed a home with eleven black people including four children.

2 Mayor Goode, a black mayor who was thought of as being a victory for black people



If you define left as those of us who stand for a decentralization of wealth and power — taking the question completely out of the realm of bourgeoisie civil rights and rightfully include the independence of captured nations, which is part and parcel of the decentralization of wealth and power — the left is microscopic.

We are left with ourselves. Left in homes that police drop bombs on from helicopters, and without any shared sense of outrage. We are left where murders by police and other racists are common place and for the most part celebrated. Left in the ghettos, barrios, and other reservations.

Let's not forget that New Africa has a class problem. That not only do police but politicians, poverty hustlers and representatives from the established Black Publishers and churches, move up in the world when they join the ranks of the oppressors. The oppressors never have a problem finding black leaders to condemn their blatant disregard for life like that which took place in Philly<sup>1</sup>. We only have established leaders to draw us into the ranks of a democratic party without being able to introduce as much as one black plank into a white plat-

## Control Unit Monitoring Project

The information and articles about the Control Unit Monitoring Project which we thought we would have for this issue, has been delayed and will appear in the next issue. The coordinators of the project want to ensure that everything is set up in order to handle incoming information and reports before any official plan is outlined.

*Prison News Service* is still planning a special section on Control Units in the September-October issue. Though we have not thought it through, we have received some response to the idea. Let us know what you think is important to cover about Control Units, their history, successful strategies used against them, damage caused by such long term confinement, etc. Write to *PNS*.

### Artists

Cover - Laura Whitehorn  
page 4 - This Magazine  
page 6 - P. Collins  
page 7 - FreeZine  
page 9 - Lone Wolf  
page 10 - Earth First!  
page 11 - Sistas Cafe  
page 13 - Kolai Faumui  
page 14 - Hawk  
page 16 - Tom Silverstein  
page 18 - Foo Chee Seng



# The Criminal Justice System

"America Behind Bars: The International Uses of Incarceration, 1992-1993." By Marc Mauer. 27 pp. Washington, D.C.: The Sentencing Project. September, 1994.

"ACLU Final Analysis of Major Civil Liberties Abuses in the Crime Bill." By Nkechi Taifa. 17 pp. New York: American Civil Liberties Union. September 13, 1994.

"Crime & Prisons." By the Prison Law Project of the National Lawyers' Guild. 16 pp. San Francisco: National Lawyers' Guild. Fall, 1994.

The mega-hypocrisy at the heart of American politics was on particularly garish display in November's election. 'Kick those immigrants out of our schools and hospitals' was a rallying cry for descendants of transAtlantic immigrants who have grown rich from the brazen theft of the northern half of Mexico (in the war of 1846-8) and from the merciless exploitation of generations of Mexican/a labor. The same forces who sanctimoniously preached "law and order" made Oliver north a viable candidate for U.S. Senator and brought in legislation shielding correctional officials who break the law. "Reformers" from both political parties insisted that welfare recipients either work or go hungry—at the same time that the Federal Reserve hiked up interest rates to make sure that unemployment doesn't fall much below 6 percent. All the politicians raged about tax money for welfare, with the main program (Aid to Families with Dependent Children) running at \$22 billion a year; but none of them was so impolite as to mention the \$500 billion the Savings & Loans bankers have cost us or the \$290 billion a year we are paying out—mainly to financial funds and wealthy individuals—just for the interest on a national debt that ballooned out of all proportion while Reagan and Bush played Santa Claus to the super-rich. The Republicans have even resurrected that 1980s sham-and-scam that new tax cuts for the affluent will somehow bring about greater government revenues.

## Blatant contradictions

The plethora of blatant contradictions reveals that these policies are really driven by considerations of class, race and gender; the ready triumph of such patent irrationality is a tribute to the mesmerizing power of the mass media. But there is an even more dangerous and disturbing trend at the core of this campaign: The response to mass frustration in society is the shameless scapegoating, based in racism, of those with the least power in society—prisoners, welfare mothers and children, and immigrants. This approach, when fully developed, is a defining characteristic of fascism. People who believe in democracy and decency need to analyze this surging offensive in order to be able to mobilize against it

The lead wave in the rising tide has been the attack on crime and prisoners. This is the one issue that has some actual substance to it; the extent and often random nature of violence constitute a real worry for many citizens, and the despised in this case have often (but not always) done something wrong. At the same time, this concern has been subject to rank manipulation. From 1992 to 1993 the crime rate remained pretty much the same, but the media coverage of it (air time and column inches) doubled. American public opinion followed suit. A *New York Times*/CBS News poll (*NYT*, 5/10/94) showed that in mid-1992 less than 2 percent of respondents considered the country's most important problem to be crime, but by April, 1994, it became the number one choice (24 percent of respondents), eclipsing both healthcare and the economy. (Ironically, improvements at the bottom layers of the economy would do far more to reduce crime than all the punitive and costly measures that have

flowed from the change of focus.) This climate is fraught with the particular danger that precious civil liberties, vital to all members of society, will be sacrificed on the altar of this cultivated hysteria.

There is monumental fraud at the heart

**There is monumental fraud at the heart of the current anti-crime campaign: harsher sentences and more lock-ups are fool's gold; they have already been tried and have proven to be dismal failures.**

of the current anti-crime campaign: harsher sentences and more lock-ups are fool's gold; they have already been tried and have proven to be dismal failures. Over the past twenty years, the U.S. went on an unprecedented binge of quadrupling the number of persons in prison, along with a vengeful return to the death penalty. This approach hasn't brought any noticeable improvement. The politicians, whose main 1994 selling point was "it's time for a change," are simply serving up more of the same old sorry soup. Meanwhile, anyone who offered even a hint of another approach—for example Surgeon General Jocelyn Elders' suggestion for just a study about decriminalizing drugs—has been howled off the public stage. Lesser-known people with valuable experience in programs that actually work—offering opportunities for higher education, strengthening family ties, alternatives to incarceration for nonviolent offenders, restorative justice, etc.—can't

get heard at all.

Three different reports published in September 1994 bring some relevant data and needed elements of rationality into the discussion of criminal justice.

*America Behind Bars*, by Marc Mauer, was issued by The Sentencing Project, the most authoritative source for international data on incarceration. On a typical day in 1993, America had about 1.3 million people behind bars. The maintenance costs alone—without even considering expensive prison construction—are about \$26.8 billion a year. The prison population doubled from 1980 to 1991. Contrary to the common misperception, this wasn't mainly due to rising violence. Eighty-four percent of the increase in new court commitments was for nonviolent crimes (drug, property and public order offenses.)

The current U.S. incarceration rate of 519 persons per 100,000 population (surpassed among major countries only by Russia since its recent economic breakdown) is about five to eight times that of other industrialized nations. While the U.S. does have a lot more violence, our imprisonment rates are also much higher when the crime rates are comparable to other countries, as with many property offenses. The stark difference in prison population seems to be driven largely by the U.S. penchant for longer sentences. (From inside prison I have to wonder whether subjecting so many young men to such dehumanizing conditions for drug and property offenses is in turn a significant factor promoting subsequent violence.) As to why some countries are more punitive than others, Mauer cites research that suggests the greater a society's tolerance of inequality, the more extreme its scale of punishment. In other words, the more pronounced the polarization of wealth and status, the more severe the penalties for those deemed to be criminals.

The incarceration rate for African Americans is 1,947 per 100,000, more than six times the rate for whites. (Mauer doesn't give any breakdown by income, which is also relevant.) Black males in the U.S. are imprisoned at more than four times the rate that Black males were under apartheid in

South Africa—3,833 versus 851 per 100,000. One in four young Black men is under some sort of control of the criminal justice system (including probation and parole), while the 583,000 behind bars outnumber the 537,000 enrolled in higher education.

Imprisonment has surprisingly little impact on curbing crime. *America Behind Bars* lists a few of the reasons: 1) Only a small percentage of crimes are reported and many of those aren't solved; 2) there is a replacement effect, especially with drugs, as new sellers emerge to fill the economic slots that have been vacated; 3) crime rates are independently and heavily influenced by demographics—i.e., the number of males in the 15 to 18 year-old group.

The Sentencing Project's list of recommendations is very brief, and therefore superficial. Nonetheless, their indictment of current policies is clear: Two decades of steadily increasing rates of incarceration have not resulted in an American feeling safer from crime; serious reconsideration of such policies is long overdue.

The American Civil Liberties Union (ACLU) is the most prominent and venerable organization devoted to defending our constitutional rights. *The ACLU Final Analysis of Major Civil Liberties Abuses in the Crime Bill*, by Nkechi Taifa, was issued on 9/13/94, the same day that President Clinton signed this federal bill into law. The report mentions how ACLU lobbying succeeded in modifying or attenuating some of the most harmful proposals. Nonetheless, the final result is, "a civil liberties nightmare come true."

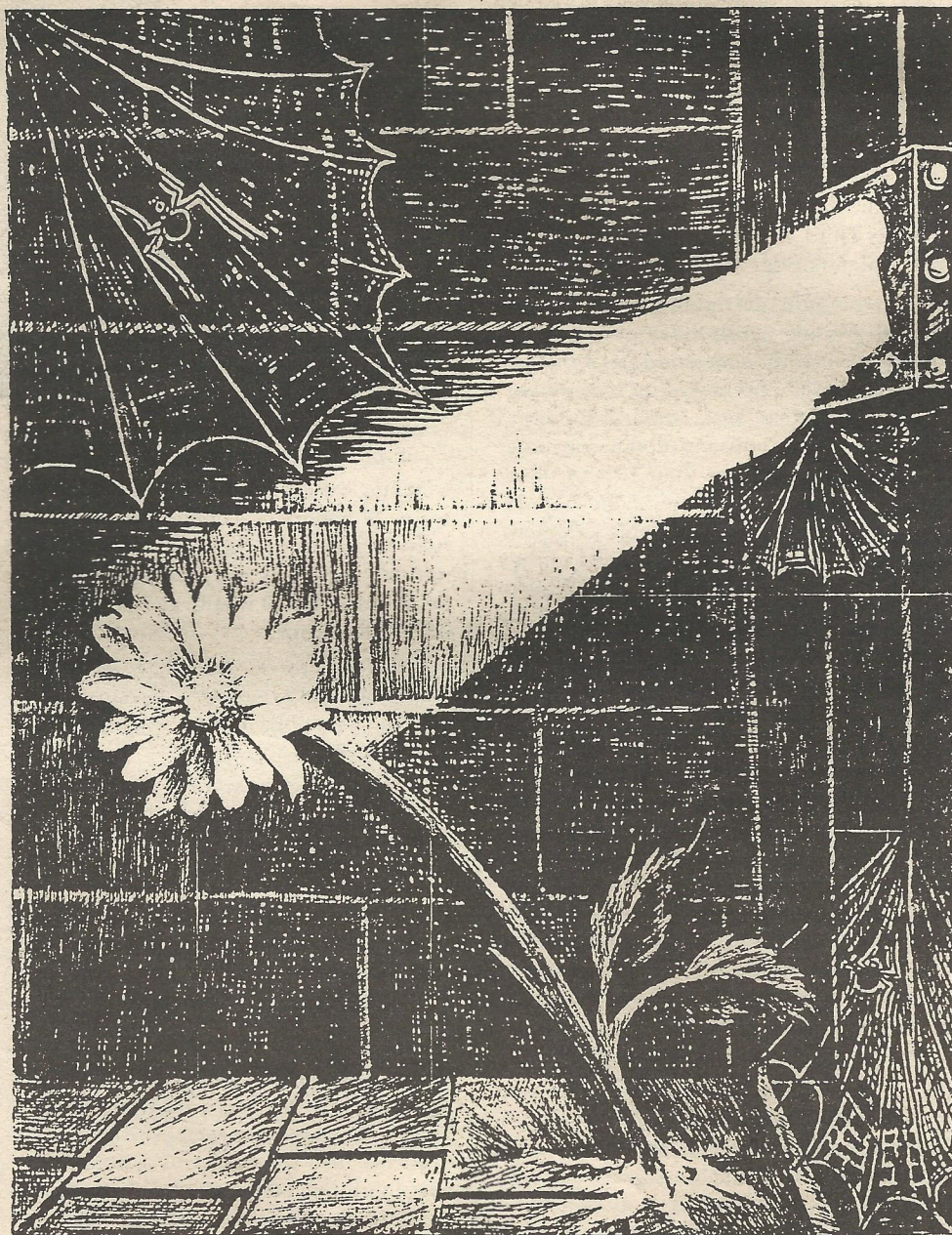
## Troubling measures

Here are some of the more troubling new measures: 1) Up to ten years in additional sentence time are added to certain crimes if committed by a member of a "gang" (defined so broadly that it could be used against political groups accused of anti-government violence). 2) Juveniles as young as 13 years old may now be tried as adults for violent crimes. 3) Non-permanent resident aliens convicted of aggravated felonies are now to be deported without a hearing, thus eliminating the constitutional right to due process. 4) The severe increase in penalties for passport and visa violations could prove very harmful to those legitimately seeking political asylum. 5) Material support for "terrorist activities" has been criminalized. (Experience shows that the government is completely subjective and political about which violent actions it labels as "terrorist.")

There are a number of new provisions that change the rules of evidence and undercut the presumption of innocence for those accused of sexual offenses. The community sorely needs real protection from the terrible damage done by sexual predators. But, there is still a problem with provisions that will lead to more convictions of innocent defendants, already a significant reality. (When there have been retrospective DNA tests of men convicted of rape, one third were proven innocent.) Once installed in this arena, the encroachment on civil liberties may be expanded. Also, these sensationalist steps geared toward the sinister stranger divert attention and resources away from the core problem: the vast majority of sexual abuse is committed by family, friends and acquaintances. The new law provides no funds to expand the now rare treatment programs, such as the one in Vermont's prisons, with proven success at dramatically reducing repeat offenses.

Thus, this crime law is definitely not about stopping crime. Another example is the elimination of the Pell Grants that funded college education for prisoners—the program with the most striking positive results. Numerous studies have shown that the average of 50 to 70 percent recidivism (repeat offenses after prison) can be reduced to 15 to 30 percent through higher education while incarcerated.

The new law includes the largest expansion ever of the federal death penalty





to more than 50 offenses, including crimes that don't involve murder. Yet, extensive evidence shows that such executions, which are morally and financially costly, offer no deterrence. (During the 1980s, death penalty states averaged an annual rate of 7.5 homicides per 100,000 population, while states without the death penalty averaged 7.4) The Racial Justice Act was eliminated from the bill, despite undeniable data that the death penalty is applied in an extremely discriminatory way (and there is a companion, gross disparity based on income level).

Another fulsome example of racism is the staggering 100 to 1 sentencing difference between the crack and powder forms of cocaine. Although experts have testified that there is no medical distinction, possession of over five grams of crack is a felony with a mandatory sentence of five years for a first offense; the same amount of powder cocaine is a misdemeanor that doesn't require jail time. In 1992, 91.3 percent of those sentenced federally for crack offenses were African-American, while only 3 percent were white.

The law's famous "three strikes" provision mandates a sentence of life without parole after three serious felonies (including some non-violent drug offenses). The "truth in sentencing" section makes aid to the states contingent on their ensuring that convicts do more time, with the goal that violent offenders serve at least 85 percent of their sentences. Of course these mandates will lead to a mushrooming of prison populations way beyond what the funds for new construction can handle, which forebodes such severe overcrowding as to lead to Dickensian conditions. Perhaps anticipating such prospective horror, this law makes it harder for prisoners to sue for VIIIth Amendment (cruel and unusual punishment) violations and strips a sizable segment of the courts' jurisdiction over such conditions.

Only a token amount of funds was allocated for "prevention programs," and that pittance is on the chopping block for the next Congress. Overall, the law follows

the failed Reagan/Bush approach of investing "scarce resources in more prisons and longer sentences without a concomitant reduction in crime or increase in public safety." "[T]hese policies have also fostered a criminal justice system devoid of 'justice' — one which is pervaded with racism and

### Only a token amount of funds was allocated for "prevention programs," and that pittance is on the chopping block for the next Congress.

class bias, from arrest to imprisonment."

The National Lawyers' Guild, a radical lawyers' organization, offers more in the way of political analysis in their *Crime & Prisons*. Although released in the fall of 1994, this collection is comprised of essays written over the course of the past few years. (Unfortunately, the Guild doesn't date them.) Steve Whitman's two articles are particularly incisive in exposing the underlying racism. For example, Black people are four times more likely than white people to be arrested for drugs, even though the two groups use illegal drugs at about the same rate. Citing earlier Sentencing Project data that about one in twelve adult Black men is behind bars, Whitman goes deeper by raising the devastating impact on the Black community as a whole. He also is clear about how prisons are actually part of the problem, contributing to the crime cycle: "[V]irtually all experts agree that prisons cause people to become even more embedded in a life of crime." "[P]risoners rejoin their communities from prisons...where conditions encourage violence and criminality."

Luke Hiken's piece underscores that the skyrocketing increase in incarceration over the past twenty years has accompanied

the biggest shift of wealth from the poor to the rich in the history of this country. He, like Whitman, challenges us to look at the definition of crime. The various banking scandals in high places have cost the public far more than all the property crimes on the street. The truly destructive acts of denying people health care, housing, education are rewarded rather than prosecuted. The battering of women by their partners — which happens to about 12 million women a year in the U.S. — is hardly ever considered a crime. As Judy Greenspan's essay points out, when women strike back and kill their batterers, their sentences are often harsher than men's. Greenspan also calls attention to the alarming, disproportionate increase in women prisoners, fueled by mandatory sentencing for drug-related offenses.

We could give countless other examples. How many Americans are aware that 100,000 people die each year from occupational-related diseases, four times the number of murder victims? Where is the public outrage demanding that justice be exacted on the industry and agribusiness executives responsible for those hazards? What about the grand scale drug trafficking by U.S. intelligence agencies? Or the government's unwillingness to enforce environmental laws against lead pollution because they might impinge on landlords' and urban industrialists' profits? These actions are truly worthy of condemnation. But instead, it is the children most damaged by these policies who will be publicly reviled and brutally punished as "despicable criminals." As useful as all three of these studies are, none tries to present an overview of the causes and cures for crime. None delves into the prevailing moral values and consumer culture of capitalist society. None mentions how the shortcomings of the 1960s "War on Poverty" — which was designed primarily to coopt and control people rather than empower them — has provided grist for the mill of right-wing attacks against "social programs." (Indeed, the direction for real solutions is not in the expansion of government bureaucracy but rather in more power, resources, and initiative for the

oppressed communities themselves.)

Finally, none of these short papers takes on the formidable task of formulating an alternative strategy for effective policies against crime. This challenge can not be met briefly or narrowly. That job would have to start at the foundation: why there is a dearth of positive alternatives for youths in certain neighborhoods; why social resources are poured into lucrative military contracts, debt payments to the rich, police and prisons rather than into improving education, providing jobs, building low-cost housing. Society would have to be awakened that the starting point for any serious anti-crime program must be the strictest standards and enforcement on those with the most power and prestige. The complexity of the drug problem would have to be engaged — why prohibition is a failure — (although very profitable for major vested interests); how to take the profit out and also how to stop the promotion of drugs (including ads for tobacco and alcohol); what type of mass education, community initiatives, and individual therapies actually work. For the range of crimes, there would need to be much more thorough study and development of the now isolated programs that have had significant success in prevention and in reducing recidivism.

Taken together these three reports do, however, provide illuminating critiques of the current political juggernaut which, while totally counterproductive in terms of its *professed* goal, works brilliantly as a campaign to make "criminals" scapegoats for a failing economy. As Steve Whitman puts it:

In reality the "war on crime" and the "war on drugs" have been wars on Black and Latino people. The main purpose of these wars has not been to fight crime (since they could never succeed) but to distract us from fighting against the conditions in society which create and perpetuate crime — racism, sexism, poverty, homelessness, and despair. ∞

David Gilbert #83 A 6158

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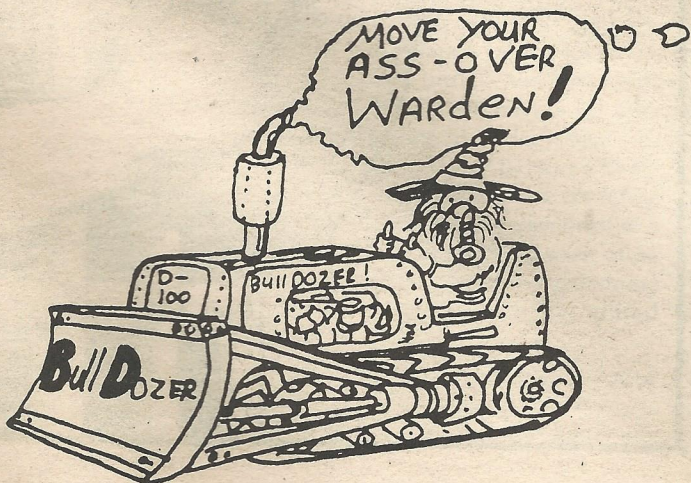
## Links Without Chains

As mentioned in Dozer notes elsewhere on this page, we receive much more material than we can possibly use. It is very difficult for us to print full articles or letters in support of more than a couple of prisoners each issue. This regular column will try to remedy that by running info from or about several different prisoners each time outlining cases or situations that they're involved with. The title, "Links Without Chains" is one we borrowed from the *Open Road*.

NANTAMBU KAMBON (Shannon Bowles) is one of the "Minnesota Eight", New Afrikans accused of the 1992 shooting death of a Minneapolis cop. In September, 1994, Kambon wrote an article for a local newspaper about the severe beating of a prisoner named Antonio Shadowlove, a Native and Latino man, held at Oak Park Heights state prison. Although prison officials denied anything happened, Shadowland's lawyer said that other prisoners confirmed that they had heard Shadowland scream, "They're burning me!" during his cell extraction. The next day, they saw burn marks on his upper back and left arm, a bruised and swollen eyelid and other injuries.

Since Kambon's article appeared in the paper, he was moved to a more remote six-cell unit containing nazis against whom he has had to fight previously after the prison helped set him up. Write,

Nantambu Kambon (Bowles)  
#172686



P.O. Box 10 MCF Oak Park Heights  
Stillwater, MN 55082-0010

JOHN GIBBS reports from F.C.I. El Reno (OK) that some of the problems in the SHU there have been eliminated, and are being monitored on such issues as food, the lifting of restricted commissary, and the habit of mail room officials opening up Legal-Special mail. A suit filed against mental and medical staff has been pursued due to a lack of treatment for the mentally ill prisoners left on 24-hour lockup in the Unit. In keeping with other such units, medical care is next to impossible to receive. The suit is filed on a basis of "deliberate indifference and liberty interest protection by 8th Amendment." For more info, write:

John Gibbs #86976-132

P.O. Box 1500

El Reno, OK 73036

## Dozer notes

**GREAT LEAP FORWARD:** We've been making progress over the past few months. We got a much faster, professional-quality computer and we now have an office that was built into the basement of an apartment. This has made a big difference for doing production work and in handling the day-to-day operations of the paper. We often get more than 80 pieces of mail a week, so staying on top of this is crucial. We do try to respond to as many letters as possible, and prisoners requesting subscriptions should get a mailing from us within a month of the time we receive it. A lack of stamps does sometimes delay sending out copies, but we do catch up eventually. A big thanks for the collective members who made both the office and the computer possible.

**TOO MUCH MATERIAL:** We received a lot of material that we could not put into this issue. Our apologies to those whose work we didn't run.

**DONATIONS NEEDED:** If ever you considered sending *PNS* a few dollars, this would be a good time to do so. The office cost us a few hundred dollars for material, 2nd class mail has gone up in both the U.S. and Canada, and our mailing list continues to grow, increasing the cost of each issue. We don't usually make specific appeals, and somehow we come up with money for each issue, but it is getting tighter all the time.

**SUBSCRIPTION RENEWALS:** We ask that everyone be in contact with us at least once every six issues. On the left hand side of the mailing label, the number

above your name lists the issue number we last heard from you. We recently sent out letters to everyone whose labels show "43" and you should respond before the next issue comes out. Within the next month, we will be sending out letters to those who show a "44" on the label, and we will need to hear from you as well.

**POSTAL BOXES:** For various reasons, we do use three different mail boxes. The "Box 5052, Stn A" address is the best one to send letters and articles to. Mail sent to the Lewiston, NY box in particular often takes a while to get. We are required to have this box by 2nd class mailing regulations. It is cheaper for U.S. prisoners to send to this box, and that is understandable, but it is not as dependable, nor as fast, as the Station A address.

**TIME OF THE MONTH:** We keep trying to get the paper out a little earlier in the 2-month cycle, but a newspaper takes on a life of its own. It just seems to come together at its own speed, and there isn't much we can do to rush it. We also try to do the paper because we want to do it, and not simply because it is that time of month again. This helps to keep our own interest in doing the work, and does result in a more interesting paper. So bear with us as long as the paper is worth the wait.

**THINGS WE NEED:** We are quite willing to take donations in kind from local people, or anyone else willing to send them to us. We need a Macintosh Stylewriter printer, — they're shitty printers we know, but we need one. We could use a file cabinet, tape-deck or even a turntable for the new office. If you have any of these kicking around that you're not using, drop us a line. ∞



# Legal update

## Double Jeopardy: a possible basis for relief from criminal sentence or civil forfeiture for the same offense

Recent Supreme Court Decisions have revolutionized the understanding of civil forfeiture. They have opened an avenue by which a defendant can challenge the constitutionality of being punished in a criminal case and also losing property through a civil forfeiture action under the Double Jeopardy Clause of the Fifth Amendment. In order to obtain relief on a Double Jeopardy challenge, a defendant will have to show (1) that the forfeiture was "punishment"; (2) that the violations of law that form the basis for the criminal Indictment and the Complaint for Forfeiture are the "same offense"; and (3) that the criminal case and the forfeiture case are "separate proceedings". If the Court rules in the affirmative on each of these questions, then there has been a Double Jeopardy violation and whichever sanction was imposed second must be vacated. For some this will mean release from prison if the forfeiture action was completed first or the return of property if the sentence in the criminal case was imposed first. However, the application of these Supreme Court decisions raises many debatable issues.

The Double Jeopardy Clause protects against three distinct abuses: a second prosecution for the same offense after acquittal; a second prosecution for the same offense after conviction; and multiple punishments of the same offense. The Supreme Court has held that multiple punishments are permissible if they are imposed in the same proceeding but are impermissible if imposed in separate proceedings.

*Does Civil Forfeiture Constitute Punishment?*

In *Halper*, the Supreme Court held that in order to determine whether a sanction should be considered "punishment, the Court must first determine what purpose the statute seeks to serve." The fact that a forfeiture is labelled "civil" does not mean that it does not punish, because both "civil" and "criminal" sanctions frequently serve a remedial and a punitive purpose. *Halper* established the definition of "punishment" as "a sanction that cannot fairly be said to serve a remedial purpose, but rather can

only be explained as also serving either retributive or deterrent purposes." In other words, even if a sanction serves some remedial purpose, it is still considered "punishment" if it serves either retributive or deterrent purposes, as well.

In *United States v. Austin*, *supra*, the Supreme Court specifically evaluated whether forfeitures filed under 21 U.S.C. § 881, in particular, subsections (a)(4) and (a)(7), constituted punishment for purposes of an Eighth Amendment excessive fines analysis. The *Austin* court decided that a forfeiture under 21 U.S.C. § 881 (a)(4) and (a)(7) is punishment because the statute serves, in part, to punish and deter behavior. The Supreme Court based its decision on the fact that: (1) historically, forfeiture has been understood as punishment; (2) Congress' inclusion of an innocent owner provision indicated Congress' intent to only punish culpable owners; and (3) because Congress tied forfeiture directly to the commission of a drug offense, this indicates its intent to use forfeiture as a means of deterrence and punishment.

The most recent Supreme Court case on point, *Montana Department of Revenue v. Kurth Ranch*, affirmed the holding in *Austin* and determined that all civil forfeitures constitute punishment because they are intended, in part, to deter certain behaviors and are therefore subject to constitutional constraints.

*Was the forfeiture and criminal case based on the "same offense"?*

The standard established in *Blockburger v. United States*, 284 U.S. 299, 76 L.Ed. 306, 52 S.Ct. 180 (1932), determined that the Double Jeopardy Clause protects against multiple charges based on the same act when the two offenses meet the "same elements" test. The "same elements" test provides that if *each* offense contains an element which is not also contained in the other offense, the two offenses will *not* be considered the "same offense" for purposes of the multiple punishment analysis. However, if only *one* of the two offenses contains an element which is not contained

in the other, then the two offenses *are* considered the same offense for purposes of the double jeopardy clause.

Because forfeitures under 21 U.S.C. § 881 are tied directly to the commission of a drug offense, the forfeiture and the criminal count will always constitute the "same offense" because the forfeiture count subsumes all of the elements of the corresponding criminal count. In other words, all of the elements of the narcotics crime are necessarily contained within the corresponding forfeiture count. Although the forfeiture statute contains an element that is not contained within the criminal statute, namely that the Defendant property was used or intended to be used to violate a subsection under Title 21, there are no elements within the criminal count which are not also contained in the forfeiture count.

*Are the Criminal Case and the Forfeiture Case Separate Proceedings?*

In *Kurth Ranch*, *supra*, the Supreme Court considered the double jeopardy consequences of a state's having first convicted and sentenced the defendants and then having a punitive tax imposed upon them for the same conduct. The two cases were started about six weeks apart, pursued simultaneously for a few months, and concluded separately, the criminal matter being resolved first. The Court found that these two actions were "separate" proceedings. Therefore, a civil action aimed at exacting a penalty, and a criminal prosecution based on the same offense, even when filed close in time, constitutes two proceedings when pursued in separate cases and concluded at different times. Although these two actions may be deemed "parallel", they constitute separate proceedings for double jeopardy purposes.

Despite these Supreme Court decisions, double jeopardy challenges to forfeiture are still a strongly contested issue. For

example, there is currently a split in the Circuit Courts of Appeals as to whether forfeiture under 21 U.S.C. § 881(a)(6) (proceeds) constitutes punishment. *United States v. Tilley*, 18 F. 3d 295 (5th Cir.1994) ruled that forfeiture under 21 U.S.C. § 881 (a)(6) was not punishment for purposes of double jeopardy. However, in *United States v. \$405,089.23*, the Ninth Circuit ruled that forfeiture under 21 U.S.C. § 881 (a)(6) was punishment for purposes of double jeopardy.

There is also a split in the Circuit Courts of Appeal as to whether or not a criminal indictment and the corresponding forfeiture action constitute "separate proceedings". Both the Eleventh Circuit in *United States v. One Single Family Residence Located at 18755 N. Bay Road*, 13 F.3d 1493 (11th Cir.1994) and the Second Circuit in *United States v. Millan*, 2 F.3d 17 (2nd Cir.1993) have ruled that the criminal prosecution and the civil forfeiture were a "single coordinated prosecution" and therefore did not violate the Fifth Amendment. The Seventh Circuit in *United States v. Torres*, 1994 WD 328567 (7th Cir., July 11, 1994) and the Ninth Circuit in *\$405,089.23* have held that they are separate proceedings. The Ninth Circuit held that the only circumstance in which a forfeiture case and a criminal prosecution should be considered the *same* proceeding is when they have been brought in the same indictment and tried at the same time.

Although these decisions have opened the door for challenge, there are still many questions left unanswered, and it is recommended that a defendant who feels that s/he may be able to make a claim for relief, seek legal advice. A much more in-depth discussion of this issue can be found in *Forfeiture and Double Jeopardy: How to Turn Prosecutorial Overreaching Into Release of Prisoners or Return of Seized Property* published by the F.E.A.R. Foundation, 265 Miller Ave., Mill Valley, CA 94941.

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Note

Ms Donner is not a licensed attorney and information contained within this article should not be construed as legal advice.

For references and notes contained in the original, please write to PNS.

## Attention: Canadians in U.S. prisons

Over the past five years, I have been in contact with many Canadians who have been swallowed up by the U.S. prison system. Many of you have inquired about returning to your homeland to complete your sentences, and/or other legalities that have affected your disposition while in the U.S.

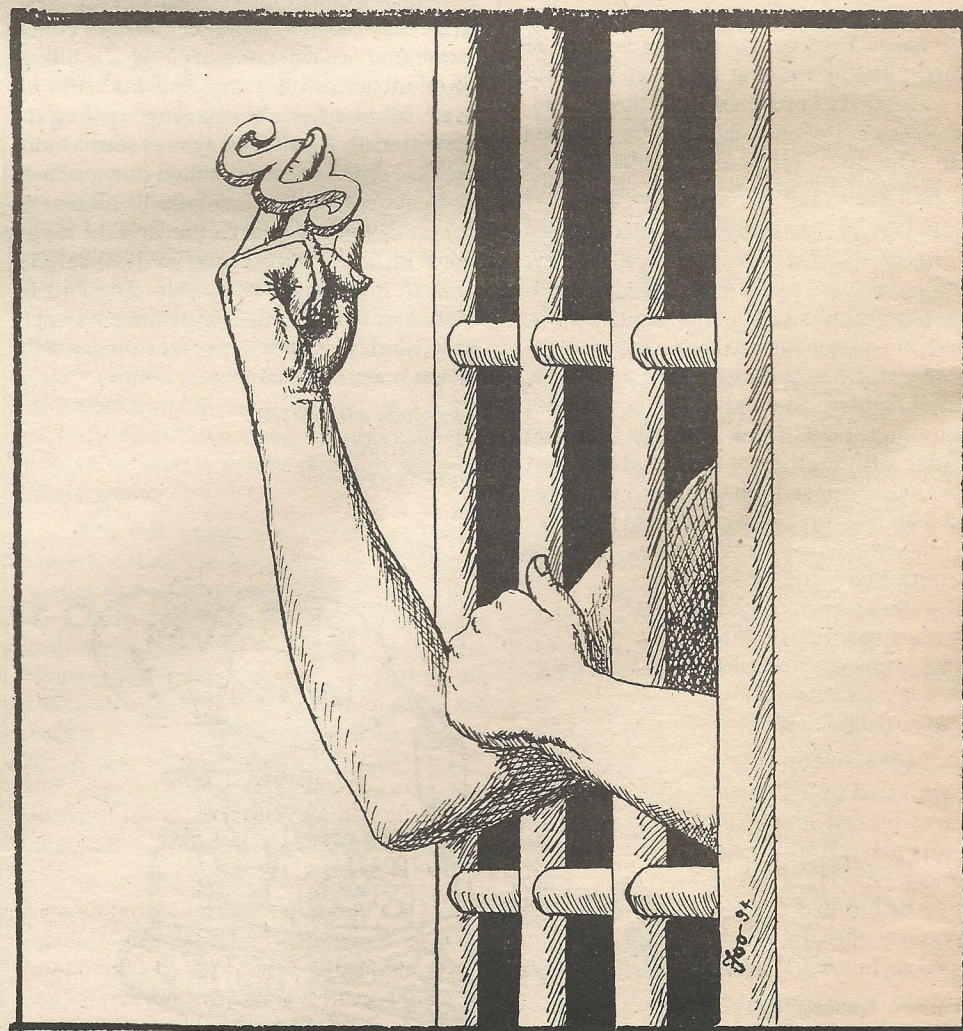
As a Canadian myself who has fought the treaty and researched the whole complicated process for the last 8 years, it is only right that I assist you also. I realize that all of you have special circumstances that affect your immediate disposition within a U.S. prison. Many of you may believe that because Canada and the U.S. have a treaty, you are automatically considered for repatriation. Nothing could be further from the truth. I guess you could say that I am a good example of this.

Furthermore, many foreign born aliens imprisoned in the U.S. have been targeted by international treaty attorneys,

legal consulting groups/firms and immigration attorneys. If you are presently engaged with such a firm, or a planning to do so, I suggest you re-evaluate your situation immediately! A jail house lawyer can bring about the same result for so much less provided you are acquainted with his work. Nevertheless as a Canadian, you need to stay on the cutting edge of the foreign born situation in U.S. prisons. It's imperative that each of you acquire the inside fundamentals to navigate through a supercilious prison bureaucracy, as efficiently as possible.

If you are a Canadian citizen and need assistance in anything that impedes your repatriation, or just simple jail house problems, I will be happy to provide the needed assistance. Due to strict mail rules here, you can contact me at:

Dave  
c/o Zoltan Lugosi  
901 - 106 Beverly St.  
Toronto, Ontario M5T 1Y2





# Letters

## NCX responds to Prince Imari

Prince Imari Obadele, in the Sept/Oct *PNS*, opens his article, "Reparators, Resistance, and Much More," by denouncing *North Coast XPress* with epithets of "racist arrogance," "Chauvinism," "don't know how to deal with a bunch of mad Afrikans with short fuses," and "don't know who they are fucking with." His outrage is directed at those "who believe Black People aren't entitled to Reparations."

To clear the record, NCX made no such assertion. The history of our dispute is as follows:

Mr. Obadele submitted to us for publication a "Declaration and Demand for Black Community Parole Review Boards." This document, after seven paragraphs beginning "whereas," concludes, "We hereby Declare and Demand that . . . (1) The \$22 billion dollars earmarked for the 'crime bill' . . . be turned over to N'COBRA and various Black Churches and other social, economic and political organizations for the creation and use of Afro-centered schools, and jobs, and housing, and drug treatment."

Demand #2 was that all Blacks currently trapped in the criminal justice system be brought before the Black community for

determination of their release.

Demand #3 was that the Black Caucus, the national organizations of Black Lawyers and Black Political Scientists, the NAACP and others, create and push through a complete revamping of the criminal justice system to assure Black Community Parole Review Boards.

I rejected this document for publication in our magazine because our targeted working-class audience would not respond to "demands" or sit through seven paragraphs of legalistic "whereases." Our targeted audience is not the radical left; it is working-class people who think in stereotypes and have been propagandized and lied to by politicians and the media. We do not have the luxury of preaching to the converted. We seek to seduce the unconverted — hoping that working-class folks will unite for change if they are approached properly and given the truth. That's why we devote 1/4th of our magazine to *Voices from Prison* as a forum for prisoners to reach the public. That's why the rest of the magazine attempts to educate and inform about other issues. When I wrote to Prince Imari Obadele, I wanted him to understand that

we have different audiences and different purposes. What works for him and his audience does not work for us and ours.

An additional consideration is that an important part of our readership is the prison population. Demanding that the entire \$22 billion earmarked for the Crime Bill — which targets all races — go exclusively to Black communities would not be well received by non-Black prisoners or non-Black community members. This is not an issue about reparations. It is about tying Black reparations to all the money intended for the Crime Bill. It is a question of strategy, not ideology.

The plan itself is brilliant. And logical. And could apply to other races. Latinos could certainly argue for the same community parole boards and the same funding from Crime Bill monies for social, economic, educational, employment, and housing purposes. It makes beautiful sense. And at some point citizens may come to realize that such a plan is the only way to build healthy neighborhoods and whole human beings in every community. It seems to me that if the plan were presented as valuable for its own sake — apart from reparations — more people could get on board and embrace it. On the other hand, if Black reparations were presented apart from the Crime Bill, more people could get behind that. If I am wrong, I would welcome a reasoned argument to the contrary.

Pulling together for a just society seems especially timely given the recent election, the barbaric plans for the poor, and a disappearing working-class under NAFTA and GATT. We are headed for a drastic evolution — if not revolution — as

more jobs go overseas and more citizens fill the burgeoning prison system.

In the meantime, those of us on the same side of the struggle for economic reform and human rights should be able to exchange ideas and offer advice without being attacked for doing so. In my capacity as editor, I have made mistakes, been insensitive at times, which I deeply regret, but I am grateful for the help extended by others to open up further discussion and correct misconceptions on either side. As we state in every NCX, "Our aim is to . . . provide a forum across the political/cultural/class divide in America, share information and ideas, support grassroots movements for change, and provide a voice for under-represented minorities. We are opposed to elitism and divisiveness. It is time to unite for needed change in our society." ∞

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Subscriptions to *North Coast Xpress* are free to prisoners, \$12.00/yr. for non-prisoners. Write to them at:  
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## Gegensatz

With the end of the empire's military machine occupying and terrorizing Viet Nam in the mid 1907's, the revolutionary movement began to fall apart to the present state of non-existence. There is no revolutionary movement in amerika. Instead, we have armchair revolutionaries and "Talk Shops" perpetrating this myth behind the guise of anti-fascism. Due to the ever increasing number of reformists infiltrating our ranks and promoting compliance and pacification towards the regime, we now lead the world with a 1.4 million captive population caged in more prisons than any other country in the world. Fascists — those wearing the masks of reform — believe that by simply removing the club or the sadistic guard who beats and murders our comrades will make our conditions of confinement more tolerable. Since when have we sought to contribute to the prison regime? With petty demonstrations staged well behind pig lines; with writing campaigns and "conferences", we have literally transformed the struggle into a tea party — thereby leaping into the abyss of cowardice and submission. We perform these acts with the full knowledge that as long as do not disrupt the establishment our little fantasy world will not be disrupted, hence we are pacified. To this extent, we can never move forward as long as we accept the bull-shit spit upon us by our so-called comrades who will never lose the psychological chains they so willingly accepted.

As is true with all myridons of the amerikan regime, prisoncrats are a parasitic breed of animal, acting as an element of decomposition within amerika, and engaged in the behavior modification of its captive population to increase the profits of the capitalist system via forced labor in sweat-shops, and to also produce submission to authority. Technology has improved; the impact of imprisonment magnified. Yet our comrades are slowing dying in the never ending dungeons of amerika without any hope of assistance from our comrades on the outside. True, we can rise up within the prison system, but what are we accomplishing? The number of Political, Class

War and Politically Conscious Prisoners in amerika pale in relation to the number of nothing-minded inmates who have slithered their way into these kamps ready to snatch on their own mothers for an extra slice of bread or extra privileges. Those who do revolt find themselves isolated for years and subsequently forgotten; wondering if it was worth the effort. Apparently it isn't, since the result of the Lucasville, Attica, USP-Atlanta, Santa Fe, and scores of other insurrections, the prisons still exist and still imprison. Do we fight to win, or do we fight to change opponents?

The bottom line is that we must create an organization with new emphasis on a "mass style" to awaken the masses to the atrocities which take place inside these dungeons and gain the maximum political effect, that being the tearing down of the negative propaganda of the regime and creating neutral or sympathetic viewpoints and opinions amongst the masses. For example, distributing a video showing a scene where a prisoner is being beaten by guards while handcuffed and leg-shackled and then showing a group of ordinary people intervening, shooting the guards down and assisting the prisoner up, would have a similar effect on the masses as would the showing of a woman being raped and her countering his attack by shooting him. Most would at least be sympathetic to the victim or at least be neutral. Psychological warfare tactics must be used to bring about sympathetic opinion regarding prisoners while cultivating open hostility towards guards and the prison regime.

This political infrastructure must branch out so as to reach as many people as possible. Autonomous networks are of no use in that they tend to pick certain subjects and dedicate all of their time to that subject while paying little or no mind to issues of far greater importance.

At the same time, we must implement guerrilla units to carry out the task of illustrating the truth of the regime to the masses. This would involve armed resistance towards the prison regime and liberating

our comrades from the kamps. Our guerrilla units would exist until the masses rise up and demand the end to the social and economical injustices which plague amerika; being assisted, of course, by our political infrastructure.

The guerrilla units would be the only "autonomous" networks since police infiltration is inevitable, thereby eliminating the chances of sweeping arrests of our comrades. Our guerrilla units would operate on their own initiative, with flexibility and according to plan. Base areas and safe houses would be created. Correct relationships of commands would be established. Our guiding principle would revolve around the necessity of preserving or expanding our forces and annihilating the enemy. As Mao Tse-tung stated:

All guiding principles for military operations proceed without exception from one basic principle, i.e., to strive as far as possible to preserve one's own strength and to annihilate that of the enemy. In a revolutionary war, this principle is directly linked with the basic political principles. For instance, the basic political principle of China's Anti-Japanese Imperialism War, i.e. the political objective, is to oust Japanese Imperialism and establish a new China, independent, free and happy. In terms of military operations this principle means the use of armed forces to defend our motherland and to drive out the Japanese invaders. To obtain this end, the actions of the armed forces will assume two forms: on the one hand to strive as far as possible to preserve their own strength and on the other hand to annihilate the enemy's strength. The principle of preserving oneself and annihilating the enemy is the basis of all military principles.

Our guerrilla units would attack on every side with many different units — few in number, each self-contained — and operated separately, to disperse the regime in their pursuit of a thoroughly fragmented organization instead of offering the regime the opportunity to concentrate on one tightly-knit unit. They would conduct low-intensity warfare operations, acting as floating commando squads, with the regime never knowing when, where or how they will attack, thus reducing their chances of being captured. Our financial means in which to

support the armed struggle would, of course, come from expropriation operations to purchase transportation, arms and explosives, organize operational bases and set up an efficient propaganda printing and distribution service. Sympathetic countries who, even though not agreeing with our political ideology, would assist us in obtaining arms necessary to complete our tasks.

The prison complex is not equipped to deal with an assault. Its loyal servants, being the coward animals that they are, would most likely be too disorganized to do much more than piss their pants. In the event that the prisoncrats take the defensive and it becomes necessary to eliminate them, the question as to whether this is done can be answered by the following statement of an ex-comrade:

The only time they appear human is when you have a knife at their throats. The instant you remove it, they fall back into animality. Obscenity. They do, of course, have a "good side" — but as I said, only when they have a knife at their throats. They obey violence. They obey it in their hearts, as do all animals. Retribution is a great part of the subjective condition for revolution.

While the author does not claim to be an expert regarding what it is and how we should go about transforming the present movement into that of a revolutionary movement, he does know that political violence is one element in creating a society which is equitable. No government has ever risen up to power, or has fallen without the use of violence. The regime will not simply allow us to walk in and take what is rightfully ours anyway. They surely won't let us liberate our comrades and to this extent, I am presenting to the armchair revolutionaries and other hypocrites who are jeopardizing our caged comrades' lives, that there are many of us who, except for our imprisonment, are willing to take up arms and put an end to the realm of oppression and exploitation which reigns in Amerika. The time has long since passed for us to us to move forward. Anything less and we might as well bow down and accept defeat. ∞

*Fight fire with fire!*  
*the Analphabetic*